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POLITICAL SCIENCE QUARTERLY

THE ECONOMICS OF HIGHER EDUCATION IN GREAT BRITAIN

B RITISH professors have their own opinion as to academic standards in America; in fact, they quite generally believe that the American collegian at the age of twenty is about two years behind his contemporary in the old country. They shake their heads in friendly disapproval of the complexity of the American curriculum, the "public school" atmosphere of American undergraduate life both in the classroom and outside, and the limitation of academic freedom to which, in their understanding, the American professor is subjected. In such respects, whatever be the amount and quality of their information, they confess little envy of their American cousins across the sea. But there are certain manifestations of deep and real enthusiasm for education in the United States that strike them into admiration.

Public support of higher education by taxation, such as that provided for our state universities, they can understand, for the beginnings of like support have been made in Great Britain. Before the War the nation divided about one hundred and fifty thousand pounds annually in recurrent grants among all its institutions of higher learning, a sum considerably smaller than that which the state of Utah appropriates for its university and agricultural college. Since then the Government's patronage has greatly expanded and now the annual allotment from national and local treasuries for the twelve institutions in England, counting the multipartite University of London as a unit, together with those for the four colleges of the University of

Wales and the four institutions of Scotland, totals about two and a quarter million pounds. This progress during the last fifteen years is remarked with satisfaction; earnest and long continued efforts of university committees have been thus handsomely rewarded. But this sum is considerably less than the combined current appropriations made by two states, Minnesota and California, for their public universities. Manchester, among provincial cities, does the best in local grants for higher education, but it does no better than Cincinnati, about half its size; and it must also be borne in mind that an American city which maintains a municipal university like Cincinnati is taxed also for its large share in sustaining the state university or, as in Ohio, universities, as well. A fair notion of the British method may be obtained from the ledger at Nottingham, where the university college receives twenty-five thousand pounds from the government, fifteen thousand from the city corporation, fifteen hundred from Nottinghamshire, and one thousand from Devonshire. Such sources must be counted upon for the great bulk of support of the newer universities, for less than one-tenth comes from the endowments. In fact, the total income from endowments for all English Universities, excluding Oxford and Cambridge, last year was only two hundred and sixty-eight thousand pounds.¹

When in answering the questions of British friends one explains that the federal government has presented the state institutions with land endowment amounting to three times the area of Wales, they express astonishment, but they doubtless trace such munificence, properly enough, to the fortune of America rather than to the conscious personal sacrifice of its citizens. The staggering sums now allotted each year by the states themselves, however, obviously represent continuing enthusiasm. What surprises them the most is to learn that it is the general custom in America to exempt all private or endowed colleges and universities from state and local taxation. For example, in Minnesota and California, the states we have cited as generously supporting their public universities, there are about thirty endowed institutions receiving this indirect

¹ In this article "last year" should be understood as 1927.

subvention. Every institution in England except one of the colleges of the University of London and the University College of Southampton has to pay its assessed share of the rates; bursars wistfully reckon how much could be pushed off the red-ink side of their ledgers if the American example were followed.

The British executives had heard disquieting stories of interference by American state governments with respect to policies of instruction in the state-supported institutions; they understood that any moment a professor might be criticized on the floor of a legislature for teaching some doctrine that was unpalatable to the majority of the taxpayers. When Parliamentary grants were first proposed, then, there was apprehension lest this intolerable result should follow there as well. Persistent inquiry among the well-informed today fails to bring one complaint upon that score; everyone seems abundantly satisfied with the propriety of the administration of these Treasury funds by Sir William McCormick and his committee. Higher education has not consulted popular prejudice since the Parliamentary subvention began any more than it did before. It was feared by some that the University Grants Committee would tend to standardize university practice into flat uniformity, to the sacrifice of individual character, as dearly cherished by a British institution as by a British citizen. It has, indeed, tended to standardize bookkeeping and the like, but it has recognized the right of self-determination in university policy. One executive told me, however, that he has himself suggested several desirable local changes to the committee, whose public statement of the same had made his way very much easier in overcoming the opposition of some of his own professorial colleagues.

The tyranny of the University Grants Committee was soon proved to exist only in unfounded fears. But there has been no such reassurance as to the effects of grants from local authorities. The strength of radical labor in some industrial cities which aid in the support of universities is enough to bring some apprehension of embarrassing interference, not only among the professors of economics, political theory and the

like, but among the general faculty of arts, whose instruction might appear less "useful" than that of their technological colleagues. It is said that in some cities, like Sheffield, Birmingham and Manchester, there has been real cause for such fears. The Scotch universities are like the endowed institutions in America, in that they get exemption from the rates but no public grants. When some new professor there in need of funds for his department suggests an application to the city for a grant in aid his principal shows little sympathy. Being a Presbyterian and well acquainted with his Bible he very likely quotes a verse about a mess of pottage.

If they admire the support the American taxpayer gives to higher education the British executives are still more impressed with the generous patronage of wealthy individuals, marvelling at the frequency and magnitude of the gifts to endowment and equipment. A considerable number of British universities are in the thick of campaigns for funds. These recurrent enterprises we call "drives"; they call them "appeals". The one word indicates confident energy bearing down all before it; the other something of supplication. Of course the latter implication does injustice to the zeal and devotion of those in charge; nevertheless, there is an observable difference in the spirit of the two. The result of the appeals has been encouraging but not satisfactory.

Even if no new enterprise were started in any university there would still be a growing need for funds. University education is a queer business; the more is sold the greater the financial loss. As a commercial transaction between bursar and student, the buyer always wins, as he never pays more than a fraction of the cost of what he acquires. The English universities are therefore troubled by their success. Take for example University College in London, founded a little more than a hundred years ago. Since the beginning of the present century it has increased by over four times; when one considers that in most departments the student's fees cover about one-third of the cost of his instruction it is not strange that the college committee is making an appeal for funds to insure continuance on the present scale. But tuition fees supply a larger

proportion of income in this and the other institutions of the University of London than they do elsewhere. In Great Britain, as a whole, the students' total contribution is less than thirty per cent of the necessary income. It is imperative that other streams of revenue be increased.

Casting about for explanation as to why the new universities have much less financial support than most of their American contemporaries, one obvious factor is their youth, most of them having secured university status within the present century; time is needed for prestige. It is true that this argument may be overstressed, as in most cases there was a previous collegiate state reaching back to mid-Victorian days at least. But the English public have not long been conscious of having universities, outside Oxford and Cambridge. As for these ancient institutions they have been for many generations handsomely independent of anyone's financial interest. Founded so long ago by pious benefactors who endowed them with landed property all over England, they have enjoyed a growing revenue; with the increase in land values in a crowded country during the last six hundred years, most of their colleges have been easily able to sustain their costs, more or less rigidly limited as each is with respect to numbers. The older universities as general corporations, apart from their constituent colleges, have similar endowments, mostly of such antiquity as now to seem quite impersonal.

Take the receipts of Oxford University, for example, and note the items under estates: "Lands let at rackrent, Lands let out on beneficial leases, Houses let at rackrent, Houses let on beneficial leases, Houses and sites let on long leases, Fines and fine loans, Copyholds for lien, Copyholds of inheritance, Leaseholds, Tithe rent charges, Quitrents, rent charges and other fixed payments, Timber and underwood, Minerals, Other properties". Besides the income from investments, college contributions, and student fees, there are other receipts from external sources, such as from wine licenses and from the Oxford market. But the largest revenue, as has been suggested, is received by the colleges themselves from their own properties, some of which in urban districts are heavily profitable.

The rise in prices, or in other words the decline in the purchasing power of money, which has been a phenomenon of British as well as American economics during the last fifteen years, has cut down the investment returns of the old colleges, but the institution, or institutions, could probably go on very comfortably without the annual hundred and thirty-six thousand pounds it gets from government sources. At first it might seem ungracious for them to accept state subventions when their neighbors stand so much in need of them, yet on second thought it is clear that the dignity of the newer universities is much better maintained if the government treats all alike.

Oxford and Cambridge, then, have not taught the British public how to give; they do not conduct appeals to wipe out deficits or to finance expansion, at least for the instruction of men. They are at present soliciting funds, it is true, but it is significant that their purpose is to preserve the scenery, or as they say the "amenities", of the two university towns. Vulgar little bungalows were creeping toward the hallowed halls of ancient learning; an automobile manufactory flaunted its graceless modernity before their very windows. High tables buzzed with apprehension, fellows were summoned into conference and Preservation Trusts were formed last year, first at Oxford and then at Cambridge. A "Christmas circular" was sent to all Oxford graduates on the Parliamentary register, which produced eight thousand pounds in cash and seven thousand more in promises. But this was only a christening gift, it was said, the trust needs a hundred thousand quickly and something like a quarter of a million in the end. The ex-Rhodes scholars are to be circularized, too; the first alumni drive is under way; perhaps even the ancient universities will aid in teaching the British people how to give to higher education.

A campaign to save something may very possibly interest Englishmen more than a campaign to start something. Yet not even this is always waged with confidence. At any moment the twelfth-century castle wherein is housed a part of the University of Durham may slide down the hill into the

River Wear. It is now shored up with timber, but geologists and architects agree that it has at last leaned so far by reason of the slipping of the soft soil underneath that its remaining days are few, unless a hundred and fifty thousand pounds are immediately found for thorough-going grouting and underpinning. A building which is not only a university hall but one of the finest monuments of Norman architecture is in grave peril; yet the money comes very slowly.

In America such a drive would be organized with the support not only of a powerful alumni association but likewise of a professional concern which would draw up a list of probable donors, arrange meetings, conferences and public notices, and furnish valuable advice in the light of considerable experience. One organization has more than a hundred and fifty successful campaigns to its credit, and there are several others with enviable records founded upon energy, sagacity and correctness in deportment. It is coming to be a recognized profession and it is conceivable we shall in time see universities themselves offering courses in its technique. In England, though known, it is upon a very precarious footing still. Three attempts to employ it by British universities and colleges resulted in thorough-going failures; in only one has there been a notable success. Whether this discouraging record is due to the inefficiency and maladroitness of the professionals or the unreadiness of the public is hard to say.

What sustains many a college campaign in America is the assurance of support from one of the great philanthropic foundations set up by very wealthy families to aid worthy educational projects wherever they present themselves. These are virtually non-existent in Great Britain. A striking exception is the Carnegie Trust for the Universities of Scotland, which allots shares of its income of a hundred and twenty-five thousand pounds to the four universities for research, though a large part of its funds goes for scholarships. Recourse may in the future be had more and more to the Empire Marketing Board which has collected a large sum to be used for forwarding commerce in every way. It has begun to work through universities as is illustrated by its gift last year to the University

of Edinburgh for aiding research in animal breeding. There are other foundations which might be approached such as the livery companies of the City of London, which are possessed of much valuable property; the annual income of the twelve "great" companies is about six hundred and fifty thousand pounds, to say nothing of the sixty or seventy other companies in London alone. Some have long since founded institutions of higher education, like the Technical College of the Society of Merchant Venturers, now a part of the University of Bristol. Others have made gifts, like the Drapers' Libraries at the University College at Cardiff and elsewhere. University executives will probably not leave these old guilds undisturbed. Certain active trade associations contribute to research in their own problems. The clothworkers of Leeds sustain the textile museum at that university and have furnished much other equipment; the Nottingham hosiers and lace manufacturers provide for the technical instruction given in their branches by the university college at that place; the glass workers bear the expense of the work in glass technology, a unique enterprise carried on by the University of Sheffield; in several institutions the coal trade maintains laboratories and staffs for fuel research by means of one twenty-fifth of a penny appropriated from the price of every ton of coal sold in England.

Impressive as these illustrations are, it yet remains that there is almost nothing, outside the Carnegie Trust in Scotland, available from great foundations for general endowment. It is not surprising in these circumstances that university executives should look across the seas for aid. The historian may well point out that this is but redressing an ancient balance. He recalls the colonial days when Elihu Yale, of Wrexham, Wales, bought immortality cheap, in the words of Cotton Mather, by a gift to the college in New Haven, or somewhat later when the institutions which were to become Columbia, Pennsylvania, Brown and Dartmouth sent agents to England to collect subscriptions. The friendly interest of the British nobility was sometimes markedly acknowledged as in the naming of Kenyon College, and it was well on in the nineteenth century that the institution which was later to be called Trinity College, at Hart-

ford, quite frankly offered to name itself after any nobleman who would contribute handsomely. It may be bad philosophy to ascribe continuing personality to nations, and to talk of cultural obligations; there would be little justice in demands from the old country that such debts be paid, and, of course, no one makes them. But there is some historical propriety in subscription now from this side.

Needs, politely presented by British university executives, have been recognized, and contributions have already been made toward meeting them. The International Education Board, of New York, last year appropriated seventy-four thousand pounds for the department of Zoölogy in the University of Edinburgh, and thirty thousand for research and instruction in animal genetics—over half a million dollars to one institution. The Rockefeller Foundation recently bestowed a new pavilion for obstetrics and nurses' house upon the University College Hospital in London and still later nearly a hundred thousand pounds to develop the studies of anatomy and physiology; the Laura Spelman Rockefeller Foundation has just put very large sums at the disposal of the London School of Economics for specific enterprises; all these are in addition to the princely gift by the Rockefeller Trustees of four hundred thousand pounds which made possible the purchase of a great eleven-acre site for the University of London, directly adjacent to the British Museum. Mr. Edward S. Harkness gave nearly fifty thousand dollars for various purposes to the University of St. Andrews and contributed heavily to the building of the new great hall. There have been other American donations to various institutions, for such projects as revision of catalogues, library development, new buildings, and special studies of social problems. All these have received grateful attention. The rich American is on the minds of the vice-chancellors. But, as the King observed in his address at University College in June, 1927, "Fortunate as you and the University of London have been in benefiting by such noble generosity from the great American nation, it is upon home support that you must rely".

But British educationalists—and, incidentally, they insist

upon that word—observe dispassionately that their countrymen do not support higher education with the zeal and sacrifice that distinguish Americans. We had to rely on public taxation, at least as one source of maintenance, from the very beginning, when in 1636 the first collegiate venture, at Cambridge, Massachusetts, got four hundred pounds from the colonial legislature; in this we had nearly three hundred years the start of England. Private generosity responded as soon as wealth had accumulated. In a new country where the ratio of man to circumstances is still heavily in favor of man, progress is a prime article of faith; and education is the infallible means to progress. In England it has to argue its way against habit. Education has figured there rather to preserve society than to change it. One would scarcely make that comment within the lively precincts of the London School of Economics, it will be admitted, but it remains true in the main that higher education as an instrument of general progress has only begun to fire the British imagination.

If you ask half a dozen educationalists why wealth does not more generously aid them, you will get more than half a dozen answers. You will be told in the first place that the rich men of England are not so rich as their counterparts in America; no one could set up an institution like that at Chicago or the immense new enterprise at Durham, North Carolina. You mention the great fortunes of the nobility, and immediately there is revealed an important difference in the position of wealth in the two countries. An American millionaire can give away his fortune and live as simply as he pleases; his munificence wins only praise. For an English duke to do as much, even if he were not bound by legal entails, would involve a treason to tradition. From the top well down into the middle class, the English son inherits with his legacy a definite obligation to keep up a certain style. He feels he must maintain the family seat, however extensive the area of its roofs and gardens, and however numerous its staff of service; he must keep the family stables and the pack of hounds; he must give the annual ball and sustain the family charities. He regards his fortune as really not his own, but inherited in trust

for such semi-public uses. His first regard is to hand on the old name, the old manner and the old property unimpaired to his son. To rob his posterity would be almost as scandalous as to rob his neighbor. Hence he does not give a building to a university. Continuous substantial contributions to such funds, moreover, are not a part of his inherited obligation.

Money made in trade has, in times past, taken much the same direction. Disraeli begins the seventh chapter of his *Sybil* with an historical review of English wealth in modern times. First came the merchant adventurers trading to the Levant, next the West India planter, then the nabob from the Far East, then the loan-monger reaping profits from the Napoleonic wars, and finally the manufacturer. But each in turn has bought land, a spacious country house and all its proper appurtenances; thus a trading fortune was transmuted into respectability. It is true that the custom grows steadily less insistent, but still, generally speaking, a newly rich Englishman would rather found a family than found an institution. He apparently does not have the American confidence that grandchildren can shift for themselves.

Suppose, however, that he has been enjoying so large an income that he has usually spent but half of it, saving the other half. In the days before the War, the newer universities might possibly have had a chance at the other half had they pressed it, but now that half has actually disappeared under the demands of the income tax. The well-to-do Englishman today, at least the man who has been wealthy for some time, can give only at the expense of his scale of living; which, as has been said, strikes him as disgraceful. The professional man finds himself mulcted of one-fifth, one-fourth, or one-third of his income. Actually, during the last few years, many incomes themselves have decreased, especially in such old staple trades as coal and iron, which for reasons too complex to be developed here, have been and are in a very low state indeed. Surely these are factors in explaining the halting response to university appeals. •

One possession which English university executives envy Americans is an intangible but immensely valuable one, the

sentiment of loyalty among the alumni. To say that this does not exist in England would be quite extravagant, for there is a deep feeling for one's particular college, especially among Oxford and Cambridge men. But it has not yet turned to financial expression. That it could be caught and harnessed for the moment was proved by Cambridge in 1898; but as we have pointed out as far as those ancient universities are concerned, there has been little need. In America drives are carried through by the powerful support of the graduates, each giving "till it hurts" and often far beyond that point, whether the individual be rich or poor. Englishmen stand amazed when they read that a large part of the twenty million dollars recently raised by Yale came from alumni subscriptions. The class gift from time to time is one of the American institutions they admire most. Nothing interests them more than an account of permanent alumni funds, such as those of Columbia, Cornell, Dartmouth, Harvard and Yale, to which each alumnus gives a stated annual sum to a total which may be used to wipe out deficits or otherwise to ease the university's burden. The only important enterprise figuring in English education which approaches this ideal is the fund organized recently by former Rhodes scholars for continuous giving to Oxford—an American plan administered by Americans.

Alumni organizations, or Old Students Associations as they are termed, do exist in Great Britain; in fact, there is at least one such for every university and university college, except Oxford, in England and Wales. They are, generally speaking, loose organizations in which annual membership costs from two shillings and sixpence up to twice that sum, though those for the technical colleges run a little higher. In one case the association elects a representative to the University Council, corresponding somewhat to our Board of Trustees. The activity is largely social, in many cases including a dinner and dance at least once a year, and possibly a choral club, dramatic club, or special clubs for badminton and tennis; a few publish news magazines, more or less regularly, or a pamphlet year-book. Several keep up connections with the university appointments board, helping them to place graduates in desirable positions,

while others maintain student-loan funds. One advertises free access to college libraries and cheap use of the playing fields. In all this there is little suggestion of the American alumni association with its paid staff in its suite of rooms at the university, its vast structure of committees, its impressive periodical literature making real contributions to education as well as reporting university news. There is no suggestion of "alumni days" or of the Commencement reunion with its costume parade, its class house-parties and its great mass-meetings.

Two facts stand out: first, the English alumnus as such does not give; second, the successful business man is not generally a college graduate. The principal of a new university college in search of financial support recently addressed the Chamber of Trade in his city, a body of some fifty men representing the leading merchants of a community numbering three hundred thousand people, a city of great antiquity and known throughout the world. He observed afterwards in conversation that his task would have been easier if at least one of his listeners had had a bachelor's degree. Guesses on such matters are treacherous, but it is probable that in a similar meeting in America half or two-thirds would be college-bred men. The breeding, perhaps, would not be very deep, but certainly they would know what colleges were like. America, its circumstances constantly bearing toward the democratic ideal, early realized that higher education should not be confined to ministers, lawyers, doctors, and teachers; it broadened the college curriculum so that a young man might choose that course of study which would fit him to be a good citizen even if he had no professional aspirations. American business forty years ago was sceptical of the college graduate, just as English business still is today, but as he increased in number and variety he had to be received, and now in many enterprises is much preferred to the practical apprentice. American commercial and industrial men, then, are oftentimes college alumni; their English counterparts are not—another reason why university money comes a little easier in America.

If all the factors set forth in this long recital were permanent the prospect for higher learning in Great Britain, outside

of Oxford and Cambridge, and also the heroic Scottish universities, which have always done much with little, might seem somewhat discouraging. Yet, plausible as they all seem when presented by the witnesses, there are evidences of change on every hand. In the first place, the business depression which has disheartened many sections of England is lifting; whatever foreign competition may do, British pluck and intelligence will set British industry upon a profitable basis. It is improbable that taxation will grow more burdensome, and it is quite possible that international adjustments will make for its decrease. Really, one listens to the jeremiads in which some Englishmen like to luxuriate with a good many reservations. The visitor looking about on the newer universities finds their present existence the most impressive testimony to a growing interest in higher education. He soon realizes that he has come to England in the midst of a great educational renaissance, comparable to that in Germany a century ago.

The graduates of these new institutions will go into business and industry in far greater proportion than have those of Oxford and Cambridge, and will have free money, not landed property, some of which will undoubtedly be available for such contribution. If the newer universities develop more residential life beside or very near the college buildings, that is to say, hostels (as they call dormitories) and club-houses, the same warm sentiment, the home-feeling, will grow in the hearts and memories of their students, as has moved so much generosity in America. Educationalists are citing the American example, and British pride will respond. About a year ago Sir William McCormick, Chairman of the University Grants Committee, stressed this point. He said incidentally that the annual library expenditure of all the institutions in Great Britain only about equaled that of Harvard and Yale combined. To maintain that this disparity will not be much cut down requires one to prove that Great Britain is going into a permanent decline, which, as we used to say in geometry, is absurd.

It is not necessary to depend upon theory for such conclusions. Setting sums aside and fixing upon tendencies, the

curve of progress with respect to public grants in aid during the last fifteen years, as was shown some pages back, is one of the most striking features of recent British social history. And private munificence has been establishing noble precedents as well. At Bristol there has arisen a fine new Gothic fabric so stately as to suggest a smaller University of Chicago; the new Physics Building might rouse the envy of most American universities. Those halls are all the gift of the Wills family, well-known in the tobacco trade. The Palmers, whose name when coupled with that of Huntley, suggests to Americans an excellent brand of tea biscuits, have been chiefly responsible for the prosperity of the new University of Reading. To the wise generosity of Thomas R. Ferens, chairman of the company making Reckitt's Blue, is owed the foundation of the remarkably promising new University College of Hull. Sir Edward Brotherton has recently given a hundred thousand pounds for a new library at the University of Leeds, making about a quarter of the sum raised by the appeal of 1925-1927 for a new building programme in that place. Most impressive of all, perhaps, has been the munificence of Sir Jesse Boot, whose drug stores dot Great Britain; as the result of his gifts there is rising a great group of white marble buildings at Nottingham, fronted by an artificial lake and surrounded by nearly a hundred acres of grounds and playing fields. The extent and equipment of these halls and classrooms and laboratories make all the more probable a university charter for the old University College of that place.

During the last thirty years England has undertaken a magnificent expansion of university opportunity. To carry on they need the support especially of English business men. They are getting it, in part because English business is beginning to feel the need of universities. "Muddling through" is well recognized today to be impossible. The problems are too great. England is thinking through as she never did before, and she begins to realize that universities, and plenty of them, are essential to the achievement.

DIXON RYAN FOX

THE ORIGINS OF THE SOUTH SEA COMPANY

IN these days of frenzied finance, and of economists who firmly believe in business cycles with a recurrence of periods of speculation followed by economic depression, it is curious that so little attention has been paid to the origins of the "Company of Merchants of Great Britain trading to the South Seas." Recent writers¹ on the subject, however, have restricted themselves to the history and organization of the company. This paper attempts only to trace its origins and suggest the importance of South Sea trade in the War of the Spanish Succession.

Since the days of the Elizabethan sea dogs, Englishmen had been seriously interested in the South Sea trade. Considering the influence of mercantilism, with its great emphasis upon bullion, the lure of the treasure of the Spanish Indies, the impetus given by the defeat of the Armada, and the religious hatred between the Elizabethans and the Spanish, it is difficult to understand why England did not immediately challenge Spain's economic supremacy in that area. James I sought to use Raleigh, one of the earliest English imperialists, as his tool in a diplomatic duel with Spain, but shamefully sacrificed him at the command of the Spanish king. The quiescent stage of the early Stuarts was rudely broken by Cromwell, who intervened in the contest between Hapsburg and Bourbon for the hegemony of Europe and received, as part of his reward, Jamaica.

Even though possessed of this window upon the Caribbean, England did little directly towards extending her influence

¹ L. Melville's (L. S. Benjamin) popular *South Sea Bubble* (London, 1922) shows little appreciation of the political importance of the organization of the company. W. R. Scott's *Early History of Joint Stock Companies* (Cambridge, 1910-12) is mainly concerned with its financial aspects, of which it contains a masterly treatment. The French and Spanish trading ventures into the South Sea are better served by G. Scelle, *La Traite Nègrière aux Indes de Castille* (2 vols., Paris, 1906), and E. W. Dahlgren, *Le Commerce de la Mer du Sud jusqu'à la Paix d'Utrecht* (Paris, 1909).

there, though enterprising buccaneers, such as Sir Henry Morgan, did much to call attention to the wealth obtainable in the area. The entire Restoration period, moreover, found England too firmly attached to Louis XIV's chariot wheel to take the initiative in colonial affairs, although English merchants as well as buccaneers were far from passive. The Glorious Revolution, however, brought Louis face to face with a rival in both the colonial and commercial spheres, an aggressive rival who now ruled both the great colonial powers. During the first act of the Anglo-French duel for Empire (1689-1763), both nations showed considerable interest in the Caribbean. The English ministers, obsessed with mercantilist ideas, eagerly sought to prevent any bullion from reaching France to be used in waging war against England. The safety of Jamaica was particularly important, for through that center English merchants secured much Spanish bullion in return for English goods.

The French navy, meanwhile, sacked Carthagena, one of the greatest trading-centers in Spanish America, and harried the coast of the English continental colonies, interfering seriously with the commerce between them and the West Indies.¹ Boston learned that a dozen warships from Canada would attack the coasts and trade of New England and pass to the West Indies. These things in turn affected unfavorably the revenues of the mother country, at a moment when, after seven years of war, English finances were in a bad way. The English authorities, somewhat disheartened by repeated defeats in Flanders and failures in the West Indies, were completely downcast by the "loss of a rich convoy outward bound . . . , a crowning disaster, which made them eager for peace."² Little of a per-

¹ *Cal. St. Pap., Col.*, 1696-7, pp. 159, 285, *et passim*; G. P. R. James, *Lettres Illustrative of Reign of Wm. III* (London, 1841), vol. I, pp. 87, 151, 254, 347; *Bath MSS.* (Hist. MSS. Com.), vol. III, p. 140.

² *C. C.*, 1696-7, p. xix; W. Coxe (ed.), *Priv. . . . Corr. of . . . Shrewsbury with King Wm.* (London, 1821), p. 166; Sir J. Dalrymple, *Memoirs of Gr. Brit. and Ire.* (London, 1790), vol. III, p. 111. It must have been scant consolation for the English to learn that the French commander brought "home after all but eight millions French livres, and above half his equipment are dead and sick." *Bath MSS.*, vol. III, p. 163.

manent nature having been accomplished in the colonial sphere by either nation through war, the exhausted participants made a truce at Ryswick (1697), that each might help decide who should receive the Spanish Empire, and more particularly the Spanish Indies, at the death of the child-man, Charles II.

The great importance attached to the South Seas is evident throughout Anglo-French negotiations over the Partition Treaty of 1698, for both monarchs were deeply interested. William III expressed a desire for Havana, which Louis XIV vetoed immediately he recognized its strategic importance. The correspondence suggests that William might have favored the pretensions of a Bourbon prince to Spain, had France been willing to guarantee the commercial interests of the maritime powers in the Caribbean and Mediterranean. Louis feared making such concessions lest they "involve the ruin of the commerce of all the rest of Europe in the Mediterranean and the Indies", a stand which probably led William to support the claims of the electoral prince of Bavaria in the first Partition Treaty.¹

The sudden death of this young prince required a new treaty but the Indies do not bulk large in its negotiation, for William now realized that a conflict with France was inevitable. The English ministry heard that France was preparing a squadron to take over the choicest portions of the Spanish inheritance in America. This rumor, coupled with the Scottish interests in the area, called England's attention, perhaps, as never before, to the value of the South Sea trade and the advisability of organizing a trading company to monopolize it. The indomitable William Paterson, by no means cast down by his Darien disaster, presented a strong case for the Caribbean. The conquest of the West Indies, he asserted in a letter to William, would enable England not only to carry on the war at the expense of the enemy, but make possible a most lucrative commerce with Mexico and Peru. The sixth article of the Grand

¹ P. Grimblot, *Letters of Wm. III and Louis XIV and their Ministers* (London, 1848), vol. I, pp. 301-504, *passim*; C. C., 1697-8, pp. 33-5, 340, 568; 1699, p. 282; E. S. Grew, *Lord Portland and Wm. III* (London, 1923), pp. 322-55, *passim*.

Alliance (1701) suggests that William profited by Paterson's advice.¹

The English colonists also feared that France might become predominant in the Caribbean. The concern of Englishman, Scot and colonial was measurably increased by the news that the unfortunate Charles II, powerful only in death, had bequeathed all his vast possessions to Philip of Anjou, Louis XIV's grandson, thus raising anew the whole question of the South Sea. The year 1701, therefore, became one of "preparation for war," and the English West Indies, for excellent reasons, became tremulous with fear lest France seize them all.² In some respects William, as ruler of the two great maritime powers, was more interested in commerce and the Caribbean than in Europe. He must at any cost check Louis's plan for engrossing the South Sea trade³ and possibly later creating in Antwerp a rival of London as the entrepôt of the world.

William was repeatedly informed that France planned to organize the South Sea trade under her own auspices. He heard that Spain was willing to exchange Flanders for Roussillon; that French merchants had established a company with six million francs capital to trade to Mexico and Peru; and that France had secured the Asiento for ten years. A prominent merchant trading to Spain wrote later that the French "go frequently to all the Spanish ports in the West Indies under pretense of carrying niggers, etc., according to their agreement, and at the same time introduce their and other commodities and return with the proceed to France, which the Spanish resent, but can't

¹ A. Boyer, *Polit. State of Gr. Brit.* (London, 1711), vol. I, p. 393; C. Cole, *Memoirs of Affairs of State* (London, 1733), p. 416. See also S. Bannister, *Life of Wm. Paterson* (Edinburgh, 1858), pp. 333, 343, 354; Bannister, *Writings of Wm. Paterson* (Edinburgh, 1859), vol. I, pp. xcix, 127; C. von Noorden, *Europäische Geschichte im 18ten Jahrh.* (Düsseldorf, 1870), vol. I, p. 357.

² C. C., 1700, pp. 82, 189, 333, 562; 1701, Preface, nos. 515-6. See Grimblot, *op. cit.*, vol. II, p. 476; *A Letter to a Member of Parliament concerning Trade and particularly Trade to the West Indies* (1707), p. 4; Scelle, *op. cit.*, vol. II, p. 149.

³ Archives des Affaires Étrangères: Correspondance Politique, Espagne, 86, f. 244; A. T. Mahan, *Influence of Sea Power on History, 1660-1783* (N. Y., 1890), pp. 463-73.

help.”¹ To meet such threats against her already extensive South Sea trade, threats backed by the presence of French warships, England sent Admiral John Benbow to police the West Indies.²

Such was the situation at Anne’s accession. Whereas England, together with Holland, who also feared the loss of her lucrative West India commerce, planned a joint attack upon France in the South Seas, their associate in the Grand Alliance, the Emperor, was much perturbed by the secret provisions permitting each ally to retain whatever he might conquer in the Indies. The imperialists even suggested that the Archduke Charles, candidate of the allies for the Spanish throne, should compensate the two nations with “free liberty to trade into all those parts,”³ as soon, presumably, as the Spanish inheritance was safely won for him by the allies. The imperial general, Prince Eugene, is supposed to have made England attractive offers if she helped make the archduke king of Spain, while the Imperial ambassador in London addressed a letter to Queen Anne, claiming that the maritime powers would get everything and the Hapsburgs nothing from the West Indies. Bonet, Prussian secretary in London, also became uneasy lest England, and to a less degree Holland, might increasingly monopolize the South Sea trade “*étant d’un grand profit à cause des maîtres d’or et d’argent.*”⁴

Meanwhile the English colonials likewise planned to prevent France from profiting from the Asiento which was considered so lucrative. They sought to police the region around Cartha-

¹ *Downshire MSS.* (Hist. MSS. Com. Rept., 1925), p. 824; Cole, *op. cit.*, pp. 297, 280, 399, 408, 419; Mackintosh Papers, Add. MSS., 34, 515, f. 111.

² *C. C.*, 1702, pp. 578, 677. See also H. L. Osgood, *American Colonies in 18th Century* (New York, 1924), vol. I, p. 60.

³ Baschet Transcripts from French Archives (P. R. O.), 197, f. 354; Correspondance Politique, Angleterre (Paris), 233, ff. 37-40; Wratislaw to Emperor, Jan., 1703, Staats-Archiv (Wien), England, B. 52; James, *op. cit.*, vol. III, p. 177.

⁴ Bonet’s dispatch, Feb. 14, 1708, Geheime Staats-Archiv (Berlin), 33 Rep. XI, 73 Y. Three years later Bonet wrote, “L’intérêt ni les vœux de ce Royaume [England] ne sont pas de l’agrandir en Europe, mais bien en Amérique pour étendre son Commerce et sa Marine.” *Ibid.*, Rep. XI, 73, Conv. 37.

gena, and cut off the Guinea trade, so that the French would be incapable of furnishing "the quantity of negroes contracted for, and their Asiento must break the first year and then the Spaniards will be glad to take them of the English, for the French can never furnish the number the Spanish must have except assisted by both English and Dutch."¹ Meanwhile, Benbow reported that Admiral Whetstone (Whiston?) was sailing to intercept the French leader Ducasse, "who, I hear is expected with four sail men-of-war to settle the Asiento at Carthagena and destroy the trade of the English and Dutch." The Admiralty was especially interested in intercepting any Spanish-American treasure designed for France or Spain, and might have succeeded, had it not been for the pusillanimity and cowardice of some of Benbow's captains.²

Loudly lamented by the English merchants and colonials, this failure of the navy to destroy the enemy's power in the South Seas was at least partially due to the Dutch refusal to coöperate.³ Marlborough, the great English general, had feared this, and advised both the secretary of state and Admiral Sir David Mitchell to be quite frank in explaining their policy in the West Indies to the Dutch, who were obviously jealous. Mitchell's instructions indicate that the ministry anticipated great things from a joint expedition, because he was to acquaint the Grand Pensionary, Heinsius, that the project was of the greatest importance, "both for our commercial interests and in prejudice of our enemies, by depriving them of the supply of money and plate which they seem to rely on for ye support of the war."⁴

¹ *C. C.*, 1702, p. 324.

² *Cal. St. Pap., Dom.*, 1702, pp. 49, 60, 122, 543; *C. C.*, 1702, pp. 368, 500, 578, 677; *Jour. of Adm.* *Rooke* (Camden Soc., 1897), pp. 164-229, *passim*; *Memoirs of Lord Torrington* (Camden Soc., 1889), pp. 89, 127.

³ W. Blackley, *Corr. of Rich Hill* (London, 1845), pp. 86, 183; T. Lediard, *Naval Hist.* (London, 1734), p. 744. Bank stock fell 3% apparently because of the "ill success of Admiral Benbow's encounter," J. E. T. Rogers, *First Nine Years of Bank of Eng.* (Oxford, 1887), p. 158.

⁴ Godolphin Papers, Add. MSS. (Brit. Mus.), 29, 587, ff. 103-6 (Library of Congress, Brit. Transcripts); Sir G. Murray, *Letters . . . of . . . Marl.* (London, 1845), vol. I, pp. 8, 19, 504. Three years later, Marlborough still hoped that he might get the Dutch to comply with "Her Majesty's desires since it is equally to their interest as to the private good."

Men like Daniel Defoe and William Paterson saw clearly how large a rôle the Anglo-Dutch navy could play by conquering the Spanish and diverting the treasure of the Indies to the treasuries of the allies. Although the English navy prevented the Spanish treasure fleet from reaching home for two years, and then luckily managed to wreck it and make a rich haul after it was apparently safely in port at Vigo, English merchants and colonial traders continued to demand a more aggressive Anglo-Dutch policy in the Caribbean. One memorandum read: "Without the acquisition of a port such as Havana and some others . . . where we may lay up naval stores, refit and clean our ships, our trade to Jamaica and other ports cannot be safe."¹

This same group also objected to the illicit trade with the Dutch West Indies, to which William Penn, the Quaker, was accused of being privy. Among the most vocal of them was Sir Gilbert Heathcote, a wealthy West India merchant, soon to be lord mayor of London and governor of the Bank, who maintained that the English "have as good an appetite for gold and silver as they [Dutch] have, and much better conveniencys from Jamaica to gratifye it." The New York authorities wrote the Queen that "nothing brings money into this province but the trade to your Majesty's islands in the West Indies, and to those subject to the States Generall, . . . from the latter of which we bring nothing but heavy money."² The first minister, the Earl of Godolphin, also realized that the possession of Havana would greatly benefit English commerce in the New World. The Dutch felt, however, that trade with the Spanish West Indies must be formally opened in the name of Charles III (Archduke Charles), if that commerce were to flourish once more. "It is only through this trade," wrote Vryberge, the Dutch envoy extraordinary to England, "that England and

¹ "Reasons Why the United Forces of England and Holland should Sail to the West Indies." C. O. 318/3, no. 17; D. Defoe, *Appeal to Honour and Justice*; *Downshire MSS.*, p. 813; J. Corbett, *Eng. in Mediter.* (London, 1904), p. 480.

² *Acts of Privy Council* (Unbd. Paps.), p. 93; C. C., 1702, p. 226; 1702-3, pp. 128, 661; 1704-5, p. 340.

the united Provinces can obtain bullion, whilst the Spanish galleons are enabling France to supply specie." England acceded to this request and colonial observers soon reported a most gratifying increase in their trade, a merchants' paper claiming, "in less than a year we have had from the Spaniards in bullion by the modestest computation 1,200,000 pieces of eight," and prophesied that if the trade were protected it would greatly increase.¹

Both the English and French displayed a lively interest in the West India trade. Admiral Sir George Rooke vainly sought, after his happy Vigo adventure, to intercept galleons. The lack of concrete advantages gained in the South Sea areas led to more serious reflections on the Dutch and on the inefficiency of the English navy.² Despondency respecting the navy was happily relieved by the unexpected capture of Gibraltar, and entirely forgotten in Marlborough's crowning glory at Blenheim. These two gratifying successes, however, came so early, and apparently so easily, that they tended to create Anglo-Dutch jealousies and center attention upon Flanders and the Mediterranean rather than upon the Caribbean, although it must be conceded that the English disappointments in the

¹ *C. C.*, 1704-5, pp. vii, 69; Godolphin Papers, Add. MSS. 28,058, f. 31; *House of Lords MSS.*, 1706-8, p. 310. "Foreign trade (by which alone riches are increased) has now so great an influence on the Government of the world, that it ought to be the peculiar care . . . to encourage and promote it, especially in these islands [West Indies]." *Letter to a Member of Parliament concerning Trade* (1707), p. 1.

² Murray, *op. cit.*, vol. I, p. 504, vol. IV, p. 178; *C. C.*, 1703-4, p. 75; Torrington's *Memoirs*, p. 171; *C. S. P. Dom.*, 1703-4, pp. 520, 535, 547; Blackley, *op. cit.*, pp. 416, 452, 740; *House of Lords MSS.*, 1742-4, p. 500, 1704-6, p. 88. The Duke of Shrewsbury noted: "I find it confirmed . . . Rooke has taken four of the Spanish galleons designed for the Indies." "It had been better," the duke grumbled, "had [he] the good luck to have met with those who were coming home and that I hear are got safe to Cadiz." The Earl of Petersborough also complained because the navy spent too much time in fruitless galleon-hunting. W. Cobbett, *Parliamentary Hist.* (London, 1810), vol. VI, p. 952; *House of Lords MSS.*, 1706-8, pp. 127, 231. "I must confess," wrote the governor of Jamaica, "I was dissatisfied at Captain Allen's misbehavior in running away from the two French merchant ships, one of 46 guns, worth 100,000,000 of livres, the other of 26 men with 100 barrels of indigo and a great deal of money." *C. C.*, 1708-9, pp. 54, 214, 287.

South Sea, together with the unfriendly attitude of the Dutch and Imperial authorities, contributed to the same end.

Yet successes in that area would have been of the greatest value in weakening Louis XIV's resistance. Nor did it seem exceptionally difficult, inasmuch as the Spanish colonists at first were too suspicious of France to permit her to do much in defending the vulnerable points in the West Indies. English colonial administrators fed this fear through their insinuations that Louis was sending a few ships at a time until he had a sufficient force to seize Carthagena or Havana. At the same time the Spaniards in the West Indies were assured that if they accepted Charles III, "shaking off the avaricious and devouring French Batt", England would even assist them in retaining their economic position.¹

Adopting such a policy for a season, the English attempted to gain control in the Spanish West Indies through diplomacy rather than war. John Methuen, negotiator of the treaty which converted Portugal for a century into a political and economic satellite of England, was most anxious to conciliate influential Spaniards, offering "some of the queen's ships to go with them," to carry the same message to their own colonials. Anne herself promised to send over a squadron superior to that of France and commanded her West India governors to inform the Spanish colonial authorities that she would gladly convoy their galleons safely to Spain. The queen also instructed the governor of Jamaica to win over the Spanish colonists and asked Charles III to send over influential Spaniards to coöperate.² Truly a beautiful dream! Yet it might have become a reality but for the disaster which befell the allied cause at Almanza in 1707. Throughout the previous year, English and colonial authorities expressed continual concern at the growing strength of France in the West Indies, and the increased bold-

¹ *C. C.*, 1706-8, pp. 16, 99; N. Mesnager (probably Defoe), *Negotiations* (London, 1717), pp. 5-11. See also Abbé Raynal, *Hist. of East and West Indies* (trans., Edinburgh, 1792), vol. III, p. 321; Lediard, *op. cit.*, p. 806.

² *Marlborough MSS.* (Hist. MSS. Com. Rep., vol. VIII), pp. 33, 44; *House of Lords MSS.*, 1706-8, p. 369.

ness of her privateers in attacking English seaports on the American mainland.¹

Such complaints of the ineffectiveness of the British navy swelled into a crescendo in the autumn session of Parliament (1707), when the Whig junto joined the Tories in attacking the Admiralty—a slight suggestion that the political influence of the commercial bourgeoisie was a force to be reckoned with the moment it felt its shipping really endangered through the lack of suitable convoys. The outstanding fact in the debate, however, was the insistence of the opposition that the ministry should change the emphasis in the war from Flanders to Spain and the South Sea, and it is, perhaps, significant as well as interesting that the queen attended this fiery debate incognito.² From this it is clear that the aggressive West India merchants would welcome the organization of a company to protect more effectively their economic interests.³

To silence somewhat such embittered assaults upon the Admiralty, the government endeavored to stimulate the activity of West Indian privateers and planned to send more powerful squadrons to the New World. The Board of Trade was assured that if France were prevented from trading to Lima and the Caribbean, English trade "would soon be "flourishing." The government was asked in fact to remove France from America, the West Indies, Canada and Newfoundland. One colonist insinuated that "if the Spaniards suffer patiently the french to goe sharers with them in the Peruvian trade, its equally reasonable that the English should aim at getting some of the Mexican."⁴

¹ Charlevoix, contemporary Jesuit historian, complained that the New Englanders caught all the fish off Acadia and monopolized the West India market with them. *Hist. of New France* (Shea trans.), vol. V, p. 201. The importance of the commercial interests in the West Indies becomes evident from an examination of the *Calendars Colonial*, particularly for 1706-8.

² James, *op. cit.*, vol. III, p. 300; [D. Jones], *Compleat Hist.* (1711), p. 455. See also Add. MSS. 17677EEE, f. 37; *N. Y. Col. Docs.* (O'Callaghan ed.), vol. V, p. 31; *C. C.*, 1706-8, pp. 9, 160, 506.

³ "I have solicited some merchants and found some willing to adventure to settle a factory to carry on the Spanish Trade, which is the most profitable in the known world." Memorial (printed 1706). *C. C.*, 1706-8, p. 114.

⁴ *C. C.*, 1708-9, *passim*; James, *op. cit.*, vol. III, p. 359; Murray, *op. cit.*, vol. IV, p. 143.

An added reason now appeared for increasing British activity in the South Sea—the Union with Scotland. Since the collapse of the ill-starred Darien venture, the Scots had been inconsolable. Smarting under their heavy losses, and seeing themselves rapidly distanced economically by England, they eventually accepted the terms of the Union, largely in the hope of recouping themselves through their admission to full economic privileges in England and her colonies. This is manifest in Paterson's plan of finding compensation for their Darien losses, by trading to the South Sea under the British flag. Because of the early successes of the Royal African Company, and the "mighty profits" usually associated with the slave trade in the West Indies, he felt that Parliament should provide for a trading company in the New World, "as the western plantations and the English factories in Africa . . . are now [1702] the main support of England, and what enable that nation to make that figure in the world it now doth."¹

Paterson clearly foreshadows the English Asiento, the South Sea Company, and the struggle over the Caribbean during the negotiations later at Utrecht. Defoe and Hugh Chamberlen, lately court surgeon and author of the Land Bank scheme, also sensed the need for a South Sea Company. Definite action on this idea may have been delayed partly on account of the dismissal of Robert Harley from the ministry in 1708. Fortunately, interest in colonial affairs did not lapse for long, as his successor, urged by the British colonists, soon decided to send a large force to assist the mainland colonists in capturing Canada, although he was forced at the last moment to divert the force to Portugal.²

New England and New York, as soon as they heard this discouraging news, began preparation for another expedition and

¹ Paterson's *Writings*, vol. I, p. 27, vol. III, pp. 9, 24. D. Defoe, *Hist. of the Union* (London, 1786), p. 313; *A Letter to a Member of Parliament concerning Trade* (1707), p. 5.

² C. O. 5/9, No. 24; C. O. 5/898, No. 3; *Parliamentary Hist.*, vol. V, p. 994. See also C. C. 1708-9, pp. 56, 486, 559. "What seems absolutely necessary, especially for Jamaica," wrote one colonist to the Board of Trade, "is to remove the French from among our settlements in America." *Ibid.*, p. 319.

a delegation of Indian chiefs was sent to wait on the queen to enlist her support. Although the Indians aroused much public interest, the political upheaval in England during the summer prevented any ambitious enterprise in the New World that year, although Torcy heard that Peterborough would set out, probably to conquer some area in Mexico, "*d'y établir un commerce avec les Indiens du pays.*"¹ Autumn brought the Tories into power almost at the same moment the New Englanders were capturing Port Royal in Acadia.

An aggressive campaign in the South Sea during 1710 may also have been delayed by the hope that peace might be made at Gertruydenberg. Louis XIV's position was truly precarious, due to the British capture of Minorca, the victories of Marlborough and failing credit. The allies might at this time have made a more advantageous peace, perhaps, than they did three years later, had they not overreached themselves. The negotiations broke down, it is important to observe, largely because France refused to compel Philip of Anjou to evacuate Spain and the Indies, or as the Dutch States General recorded: "The restoration of Spain and the Indies, with their dependencies, being the foundation and essential part of the negotiations, the allies would not continue in any uncertainty concerning it."²

Peace parleys closed just before the advent of the new Tory ministry. Although Harley and St. John, the new leaders, were both exceedingly anxious for peace, they desired, while negotiations were pending, to emphasize in true Tory style the naval phase of the war with particular reference to the colonies, in the hope that they might at the same time check the flow of bullion from the New World into the coffers of Louis,³ and by capturing some places in Spanish America gain valuable diplo-

¹ C. P. A. (Paris), p. 230, f. 421; W. T. Morgan, "The Five Nations and Queen Anne", *Miss. Valley Hist. Rev.*, Sept., 1926; *Downshire MSS.*, p. 877.

² Register of States General, *Annals* (1710), vol. IX, p. 27; J. F. Chance, *Brit. Diplom. Instns.: Denmark, 1689-1789* (Camden Soc., 1926), p. 25; D. Defoe, *Appeal to Honour and Justice* (1715).

³ In March, 1710, a rich flotilla contrived to reach Cadiz. Add. MSS. 17677 DDD, f. 434. Du Clair [Ducasse?] was reported as "bound for Brazill to possess themselves of an island or some other place where there are gold mines." *C. C.*, 1710-1, p. 98.

matic pawns in negotiating peace. Friedrich Bonet, the astute Prussian secretary in London, reported:

Le nouveau Ministère reproche au vieux de ce qu'il n'a pas travaillé à se prévaloir des conditions stipulées par le Traité de la Grande Alliance qui parle que les Anglois démantelaient Molènes de ce qu'ils occuperaient dans les Indes Occidentales pendant la guerre qu'on entreprenait pour le reconquêtement de la Monarchie Espagnole.

Colonial clamors for the capture of Canada could no longer be denied, even in the face of serious military disasters in Spain. Harley's interest in the South Sea had been thoroughly aroused by Paterson, Godolphin, and Defoe. St. John, the versatile secretary of state, had also a vision of empire, and discerned at once why France clung so tenaciously to the Caribbean area. "The French are wise enough to take care of that part, 'tis from thence that they know they may depend on a compensation for all the poverty and distress which the war has brought or can bring upon their nation."¹

Secret overtures to France for peace went on hand in hand with naval and colonial schemes. Godolphin had scarcely been dismissed before secret advances were made by the English ministry to Abbé Gaultier, a French spy at that time chaplain to the Countess of Jersey and also, *mirabile dictu*, to His Excellency, the Imperial ambassador in London. Soon thereafter, St. John began preparations for conquering Canada, and

¹ Dispatch, Sept. 4, 1711, G. S. A. (Berlin), Rep. XI, 73, Conv. 37; G. Parke, *Corr. . . . Bolingbroke* (London, 1798), vol. I, p. 7. Chamberlen (p. 370) made the same complaint. See also Swift, *Conduct of the Allies* (T. Scott ed.), vol. V, p. 79; *Annals*, vol. X, p. 151; *Portland MSS.*, vol. IV, p. 652. Lediard, a contemporary historian, also realized (p. 834) that capturing the Spanish galleons would deprive Louis XIV of his financial resources. See also [Gibson], *Compleat Suppl.* (London, 1729), p. 11. In fact some years later it was claimed that French trade in the South Seas during the war was sufficiently profitable to repay the French war debt: J. B. Botsford, *Eng. Soc. in 18th Cent.* (N. Y., 1923), p. 168. Admiral A. T. Mahan calculated the French returns from Spanish-American trade (1701-1716) at £40,000,000 in specie: *Influ. of Sea Power, 1660-1783*, p. 218. See also Dahlgren, *op. cit.*, pp. 77, 314.

Harley turned his attention to the Caribbean,¹ two movements nicely synchronizing with the preliminary peace negotiations.²

To assure its continuation in office, the new ministry must do two things, and quickly: improve credit and secure peace. A more aggressive campaign in the New World, particularly in the West Indies, might well advance both. England was staggering under heavier taxation than ever before, and becoming thoroughly weary of a war that had degenerated into a policy of watchful waiting, since Louis XIV refused to risk another battle against Marlborough. Peace was most necessary, too, because the overthrow of the Whigs, who were supported by the moneyed classes, had brought with it a dangerous decline in credit,³ accentuated, moreover, by the impoverished condition of the treasury at the time of the dismissal of Godolphin, in whom the financiers placed implicit confidence.

Harley's plan for improving credit was, therefore, doubly difficult, and necessitated the greatest haste in its execution. Already, before Godolphin's disgrace, two Whigs, the Duke of Newcastle, England's wealthiest landowner, and Lord Halifax, one of her financial geniuses, were deep in Harley's plans. As Harley deliberated, England entered a financial panic. A wave of speculation, accompanied by the organization of questionable insurance companies had brought on a crash almost simultaneously with the change of ministry. Harley, faced with a crisis, was advised by John Drummond, his confidential

¹ C. P. A. (Paris), 235, f. 411; *Portland MSS.*, vol. IV, p. 652; G. L. Wickham-Legg, *Diplomatic Agents of England and France* (Oxford, 1909), p. 33. As marines had embarked for the Indies — C. P. A. (Paris), 230, f. 97 — even before Harley was actually in office, the new secretary of state demanded information relative to the force necessary to protect the West Indies — State Papers, Domestic: Entry Book, 110, f. 9.

² For the possible relation of these two projects, see the author's article in *Hispanic American Historical Review*, May, 1928.

³ C. P. A. (Paris), 230, ff. 281, 285; *ibid.*, 233, ff. 79-116, *passim*; J. Arbuthnot, *Law is a Bottomless Pit*, Pt. I. The Whigs expected Harley to fail in establishing public credit: [D. Defoe], *Account of the Conduct of Robert, Earl of Oxford* (London, 1714), pp. 31, 49. See also O. Weber, *Der Friede von Utrecht* (Gotha, 1891), p. 73.

agent at Amsterdam to "send all his fleet bound for the West Indies."¹

Speed, therefore, was the first requisite, if public credit were to be retrieved. Harley seriously considered Drummond's suggestion, while Paterson again called his attention to the Spanish Indies. "We ought to insist to have . . . Newfoundland . . . Canada, and . . . two or three cautionary places in South America from Spain until the repayment of at least some of the vast expenses we have been, and still must be at, for the recovery of that monarchy to the house of Austria." Harley now recalled the secret treaty between England and Charles III, granting English subjects the same privileges in the West Indies as the Spanish, particularly the right of going every year with ten ships, each of 500 tons burden, to any part of the West Indies.² These merchant vessels might also be convoyed by warships as long as the latter carried no merchandise. This treaty, together with Paterson's letter, clearly suggest the Asiento, which Philip of Anjou had already granted to France.

*Nous sommes pareillement chargés d'offrir et assurer aux deux puissances [Marlborough was informed], non seulement les mêmes avantages pour le commerce d'Espagne et des Indes, dont elles ont jouie pendant le règne du feu roi Charles II, mais encore tous tels autres que la Reyne de la Grande Bretagne et les États Généraux estimeront nécessaires pour le bien de leur sujets et maintien la perpetuelle alliance entre les trois nations.*³

From the beginning of the war, English merchants had been jealous of this French privilege, which Philip had supplemented by other commercial concessions.

Harley, therefore, with the Asiento and the value of the South Sea trade in mind, planned to improve credit. A suc-

¹ C. P. A. (Paris), 230, f. 284; *Portland MSS.*, vol. II, p. 217, vol. IV, pp. 560, 578.

² Add. MSS. 22294, ff. 14-5; *C. C.*, 1708-9, pp. 120, 228; *Portland MSS.*, vol. IV, p. 583. See Paterson's *Writings*, vol. III, p. 24.

³ Translation of a letter (in Spanish) by Duc d'Albe and Comte de Berghieck, Aug. 15, 1709: Murray, *op. cit.*, vol. IV, p. 577.

cessful expedition to the South Sea might, by capturing important territory or a few richly laden galleons, do much to improve the financial position of the government. In the peace negotiations with France, already in train, Harley emphasized the Asiento, concerning which he probably had a gentleman's agreement with Louis XIV.¹ His claims to the slave trade would, moreover, be measurably strengthened by a successful attack upon the Bourbon possessions in the Caribbean. From this it must have been easy to pass to commercial concessions and plans for a South Sea Company to take them over. Any hopes Harley may have entertained of capturing Bourbon territory in the Indies were wrecked largely because of the Dutch failure to coöperate, as the English navy was not sufficiently strong to attempt the task alone. France had a considerable force in the West Indies which she was busily strengthening, and she had been able to fortify both Havana and Carthagena. Meanwhile rumors persisted of an English expedition against the West Indies, a project which Prince Eugene favored to prevent France from "drawing yearly so great a treasure."²

When Parliament opened late in November, 1710, Anne's speech from the throne clearly indicated a change of emphasis in the war from Flanders to Spain, and called attention to the perilous condition of public credit, which may well have been intended to prepare the way for the South Sea Company.³ As a beginning, however, Harley made arrangements for two lot-

¹ When Harley formed the South Sea project, "it was the opinion of many . . . he had verbal assurances given him that France and Spain would grant to the Company, either some settlement, or at least a free trade in the Spanish West Indies, provided a peace were concluded whereby king Philip should remain in possession of the monarchy of Spain." P. Chamberlen, *Impart. Hist. of Reign of Queen Anne* (London, 1738), p. 384.

² Rawlinson MSS. (Bodleian), C. 392, f. 182; Parke, *op. cit.*, vol. I, pp. 18, 25, 34, 83; N. Luttrell, *A Brief Relation of State Affairs, 1678-1714* (London, 1857), vol. VI, p. 608. Despite their failure to assist in the West Indies the Dutch realized the importance of the policy and complained because nothing was done! *Annals*, vol. IX, App. i, pp. 20, 23.

³ *C. C.*, 1710-11, pp. 307-310; *Annals*, vol. IX, p. 256. See also *C. O.*, 388/14, M. 69.

teries totaling over three millions, which, though highly successful,¹ served to arrest only slightly the decline in stocks. Consequently, more ambitious measures became imperative, if the ministry were to remain in power.

The expedition was already on its way to conquer Canada, and possibly after that it might go on to the West Indies. French fears were aroused. Pecquet, secretary to the French Foreign Secretary, Marquis de Torcy, noted that if England ever secured a foothold in Spanish America, she would soon be entirely mistress there—

on y verroit en peu d'années un grand nombre des habitans des ports fermés, et le plus grand entrepôt du monde des manufactures d'Europe et d'Asie, dont les Anglois fournissent les royaumes du Perou et du Mexique . . . Ce raisonnement portoit sans contredit que soixante millions d'or et d'argent sortant annuellement des mines seroient l'objet et la fruit de leur industrie.²

Pecquet also thought that Jamaica desired above everything else direct commerce with Peru, from which the English had drawn indirectly a considerable revenue for thirty years.

For similar reasons Paterson urged Harley to go forward with the plans for trading to the South Seas, for the benefits which France had reaped from it—

are a sufficient argument for undertaking it, and the weariness of a peace will not afford any reason to slacken our preparations . . . This trade may prove the speediest, if not the only means of procuring peace to Europe. It may be the sinews of war as the South Sea trade is the fountain of supply to France. The consequence is obvious; and the public and private interests are so interwoven that quickness of returns being considered no trade can compete with this.³

¹ Bonet's Dispatch, Feb. 20, 1711, G. S. A. (Berlin), Rep. XI, 73. Conv. 37; *Portland MSS.*, vol. V, p. 464; [D. Jones], *Compl. Hist.* (London, 1711), pp. 115, 212, 276. Curiously enough, the floating of a lottery scheme also preceded the founding of the Bank: *C. S. P., D.*, 1695, p. 262.

² C. P. A. (Paris), 233, ff. 29, 75-82.

³ Paterson, *Writings*, vol. III, p. 291. A contemporary pamphleteer asserted that this project, "which had drawn us into all the misery and folly", could

In keeping with such suggestions, Harley introduced a bill for a South Sea Company, which was soon transformed into a law.

In the meantime Abbé Gaultier carried secret overtures of peace to Louis XIV, and Admiral Sir James Wishart went to the Grand Pensionary to ask for Dutch coöperation in a joint attack upon the West Indies. The former mission succeeded; the latter failed. Louis grasped eagerly at the English suggestion, although it became clear at once that the question of the Spanish Indies would be a crucial one in the negotiations. Torcy noted that the object of the English ministers "*étoit d'obtenir pour sûreté quelques places aux Indes, . . . Gibraltar ou Corogne, enfin Port Mahon dans la Méditerranée.*"¹

As the secret parleys continued through the early months of 1711, Harley's demands for trading privileges in Spanish America increased because he realized that only through them could his company flourish. Through the Board of Trade, he was in close touch with English merchants interested in the Spanish trade, and the rumors of a West India expedition increased apace. The utmost confusion as to the destination of Admiral Sir Hovenden Walker's force prevailed. Spain, Mexico, Cuba, Porto Bello, Peru and Canada were all suggested in London coffee houses. Harley now insisted upon both commercial concessions and treaty ports in the Caribbean. In this he was supported by St. John, who complained that although France liberally promised Gibraltar, no mention was made of the West Indies. When Louis late in April advanced specific

not possibly succeed, and would do England no good even if it did. "The present proposals of peace", he concluded, "or any future proposals of what kind soever that should leave Spain and the Indies to the House of Bourbon ought by every true Englishman to be rejected with indignation." *Remarks on Present Negotiations of Peace* (1712). Spain and the West Indies "must either be taken from the House of Bourbon, or these islands must soon lose their trade and their liberties are not of a very much longer continuance." *Our Ancestors as Wise as We* (1712). See also the memorial of Bothmar, Hanoverian envoy at St. James, and a *Letter from a Merchant in Amsterdam* (1712). Peterborough and Shrewsbury were also skeptical. *C. C.*, 1708-9, p. 452; T. Somerville, *Hist. of Reign of Queen Anne* (1798), p. 414.

¹ Gaultier's "Verbal report," C. P. A. (Paris), 232, f. 129; Anne's "Secret Instrns. to Sir James Wishart," Jan. 14, 1711, Parke, *op. cit.*, vol. I, p. 23; Dahlgren, p. 624.

promises as a basis for the negotiations, Article I provided, "*que les Anglois auront des sûretés réelles pour exercer désormais leur commerce en Espagne, aux Indes, et dans les ports de la Méditerranée.*" Immediately, England required a clear statement of "*sûreté réelle*," but Louis steadfastly refused to be explicit as to the guarantees for English commerce in the Spanish West Indies.¹

As soon as the Anglo-French preliminaries were agreed upon, they were reported to the Hague, and St. John instructed the English minister there to play up to the article providing "*une barrière suffisante pour la sûreté de la république d'Holland,*" that the Dutch might forget "*la sûreté de commerce de cette nation.*" Fears of Dutch hostility, the stabbing of Harley, and the sudden deaths of the dauphin and the emperor probably seriously delayed floating the company. Yet the need for action was doubly urgent. Credit was sinking; peace negotiations at a standstill. Harley, fighting not only for his physical but his political life, had arisen from a sick-bed to launch his program for a South Sea Company; two days later Walker started for Canada. The English negotiators meanwhile insistently demanded the Asiento and four cautionary towns, two in North America and two to the southward, together with the most-favored-nation status in the East Indies.² Such concessions would do much to further the prospects of the company, while Walker's expedition, generally suspected of having the Caribbean as its objective, contributed directly to the same end.

The plan for organizing the company was satisfactory to the financiers, and its possible connection with the slave trade and the gold and silver mines of Spanish America tended to attract small investors. The project was in reality an extension of

¹ Parke, *op. cit.*, vol. I, pp. 106, 110, 352; vol. II, p. 194. C. P. A. (Paris), 233, ff. 36-47, 214, 232; 235, ff. 202, 251, 311; Baschet Transcripts (P. R. O.), 197, f. 354; C. O. 388/14, M. 69.

² Torcy's "memorandum", C. P. A. (Paris), 233, ff. 249, 456; Torcy, *Mémoires*, vol. III, p. 52; F. E. Ball, *Corr. of Jon. Swift* (London, 1910), vol. I, p. 254; J. R. Robinson, *The Princely Chandos, A Memoir of James Brydges* (London, 1898), p. 24.

credit along somewhat modern lines, although to the conservative eighteenth-century moneyed men it may have suggested the extreme of frenzied finance. Its purpose, as set forth in the act, appeared manifold. "For making good beneficiaries and satisfying the public Debt, and for erecting a Corporation to carry on a trade to the South Seas, and for the Encouragement of the Fishery, and for Liberty to trade in unwrought Iron with the Subjects of Spain; and to repeal the Acts for registering Seamen." It provided for organizing a company to fund the floating debt amounting to more than nine millions, which was guaranteed six per cent interest. This company was granted a monopoly of the South Sea trade, and government securities would be accepted at par in payment for stock.¹

The project was received with a general acclaim in England. Fortunately, too, for Harley's plans, British trade had prospered during the year 1711, making it much easier to secure support in funding the debt at a fair rate of interest. The debt itself was for the time enormous, and finding the interest upon it, a distinct challenge to the Tory ministry. Coupling the debt and the trade to the South Sea was a tempting bait to the Whig moneyed interests, buttressed as they were by the Bank and the East India Company. When the latter organization protested and asked to be heard before the Commons against the bill, there is a suggestion that Harley may have intimidated them. The South Sea scheme was the first successful attempt of the Tories to win the support of the moneyed classes, which they retained until the treaty of Utrecht caused these financiers once more to take fright. The entire policy, moreover, was in perfect keeping with the Tory doctrine of utilizing the navy to strengthen England's political position; perhaps it might, at the same time, decrease the land taxes of the English aristocracy by securing additional revenues from the Caribbean.²

¹ 9 Anne, c. 15 (c. 21), *Statutes of Realm*, vol. IX, p. 424; Torcy, *Mémoires*, vol. III, p. 36; Roscoe's *Harley* contains a curious error in quoting from the act.

² C. P. A. (Paris), 230, f. 205; *Pol. State*, vol. I, pp. 447-9; W. Coxe, *Memoirs of Sir Robert Walpole* (London, 1798), vol. II, p. 2; *Annals*, vol. X, p. 152. In this connection, see also a *Letter to a Member of the October Club* (1711).

The Queen was to name the directors of the company for the first year. Harley, now Earl of Oxford, was appointed governor; Sir James Bateman, a prominent financier, whom the *London News* reported as subscribing 200,000 francs, deputy-governor; and Blount, who had successfully managed the lottery, secretary. The directors were some of the outstanding moneyed men of England. Among the wealthier were Sir Theodore Janssen, Sir Richard Hoare, Sir John Lambert (recently created a baronet), Samuel Shephard and Christopher Bouerie. The last named was a business associate of the Harley family and Lambert's baronetcy came as a result of his successful work in preserving credit. The temptation to exchange stocks listed below 70 for the South Sea stock at par was too strong to be resisted.¹ Particularly was this true when it was noised abroad that England would secure the Asiento, and was negotiating "*d'obtenir pour sûreté quelques [4] places aux Indes et [1] dans le Continent de L'Espagne.*" Even Louis XIV's reluctance to make any promises on behalf of his grandson did not dampen their ardor, although it became generally known that France was rapidly expanding her trade in the Caribbean "to the great advantage of the inhabitants."²

Such rumors as the Dutch heard of the secret negotiations relative to the Asiento increased their jealousy and made them altogether reluctant to support a joint expedition. L'Hermitage, Dutch secretary in London, reported that the fleet (probably Walker's) had gone to Panama to seize two places to facilitate English commerce and interrupt that of Spain in the area.³ As soon as subscriptions to South Sea stock seemed to be going well, thrift caused the Dutch to think more favorably of the company, which even the Imperial representatives in London mentioned with approbation. The rapidity with which the subscriptions were filled was partially due, perhaps, to the

¹ L'Hermitage's dispatches, Add. MSS., 17677EEE, f. 216, 219; C. P. A. (Paris), 235, f. 302; *Portland MSS.*, vol. II, p. 248; *Polit. St.*, vol. II, p. 248.

² C. P. A. (Paris), 235, ff. 251, 311; C. C., 1711-2, pp. 15, 22; *Portland MSS.*, vol. V, p. 1. See also J. W. Gerard, *Treaty of Utrecht* (N. Y., 1888), p. 198.

³ Add. MSS. 17677EEE, f. 228; *Portland MSS.*, vol. V, p. 2. The petition of the Dutch Council of State is printed in *Annals*, vol. X, App., p. 17.

current belief that an English expedition had gone to the South Sea. During October the stock rose from 69 to 88, and "*on espère que si notre escadre peut faire quelque port de l'Amérique que ce soit, que cela encouragera beaucoup ce commerce, et fera augmenter le prix des actions.*"¹

In the meantime, Matthew Prior and Nicholas Mesnager, a Rouen merchant, had been drawn into the secret negotiations because the question of *sûreté réelle pour notre commerce aux Indes*, continued to give trouble. Prior insisted that England should have actual possession of some ports in both the Americas, frankly admitting that she expected to fortify them and control the trade as a recompense for the "prodigious expense we have been at in continuing the war," which was exactly in keeping with Paterson's suggestions somewhat earlier. The English ministers hoped that the islands when settled would annually bring to the English large sums from Mexico and Peru, and Prior told Torcy that he looked upon the cession of four places as indispensable for the continuance of negotiations, and they would never be missed in the vast extent of Spanish America, extending from the Straits of Magellan to California. Torcy replied that Louis XIV was preparing terms most reasonable "*mais pour les places, Monsieur, vous croyez qu'il ne s'accordera jamais.*"²

As peace negotiations languished, subscriptions to the company's stock continued. They got about four millions immediately and soon had six millions in sight, which the ministry considered one of the "wonders of Her Majesty's Most Glorious Reign."³ Meanwhile, many persons in England, even those in high position, firmly believed that Walker had gone to the West Indies. The French were clearly nervous and prob-

¹ C. P. A. (Paris), 235, ff. 304-5; Bonet's dispatch, July 9 (O. S.), G. S. A. (Berlin), Rep. XI, B. 39; Hoffman to the Kaiser and Kaiserin, July 7 and 10, Staats-Archiv (Wien), England, B. 65; *Portland MSS.*, vol. V, p. 48.

² Prior's "Negotiations," *Portland MSS.*, vol. IV, p. 583, vol. V, pp. 35, 38; Paterson's *Writings*, vol. III, p. 24; C. P. A. (Paris), 235, f. 385; *Parliamentary Hist.*, vol. VI, p. 1022; *Annals*, vol. IX, p. 369.

³ C. P. A. (Paris), 235, ff. 302, 304; *Polit. State*, vol. II, p. 52. The Dutch secretary felt that the amount would all be subscribed before the end of July. Add. MSS. 17677EEE, f. 262.

ably attributed Prior's unbending attitude even in the presence of the Grand Monarque himself, to British hopes of success in the Caribbean, and to Harley's interest in the Asiento. Despite French assertions that they could give no assurances for the cession of security places, which would bind Philip of Anjou, England insisted upon such guarantees and demanded that each nation should retain such territory as it held at the signing of peace.¹

Under such conditions the South Sea Company was born. It received some setback at first through the miscarriage of the Quebec expedition and the delay in the signing of peace. Otherwise it appeared to succeed from the outset, and did much to improve credit. In its inception, it was not only a financial measure, but a tempting pawn in the diplomatic game; it was not only a move to dish the Whigs, but also a bid for the support of the moneyed group. Finally, it was a scheme to utilize credit as never before in England, lighten the taxes of the landed class and, if peace negotiations failed, wrest from the Spanish Main sufficient bullion to defray the cost of the war. The scheme was politically, and perhaps economically wise, and had it not later been so closely tied up with the national debt in an era of wildest speculation, Robert Harley, Earl of Oxford, might perchance have ranked beside Godolphin, the younger Pitt, Peel and Gladstone as one of England's great finance ministers. Not to him alone goes the credit, however, for the ideas he put into practice were those of Chamberlen, the mid-wife, of Paterson, the financier, and of that most versatile genius, Daniel Defoe.²

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¹ C. P. A. (Paris), 233, ff. 177, 202, 220, 230; Swift, *Four Last Years* (F. Scott ed.), pp. 68, 153. Prior assured Louis XIV that he would find England "prête à faire toute pour la paix qui puisse consister avec l'honneur de la nation et la sûreté de leur commerce en Amérique," because Harley was personally interested as the originator of the company. *Mémoires*, vol. III, p. 52. See also "Mémoire concernant deux propositions que fait le Sieur Mesnager touchant la sécurité du commerce des Anglois en Amérique." C. P. A. (Paris), 237, f. 147.

² *Portland MSS.*, vol. IV, pp. 18, 150, 300, 391; vol. V, pp. 2, 10, 30, 50, 58, 66.

JOSÉ BONIFACIO, THE NEGLECTED FATHER OF HIS COUNTRY, BRAZIL

IT is no more possible to discuss Europe in the first fifteen years of the nineteenth century without mentioning Napoleon than it is to discuss the history of modern Brazil from 1822 to the present time without writing about José Bonifacio de Andrada e Silva.

Yet historians have slighted Bonifacio in a most amazing fashion. Ignorance as an excuse for this neglect on the part of unbiased scholars is not a tenable explanation since Armitage¹ and Handelmann,² writing respectively in 1835 and 1860, definitely assigned a great rôle to Bonifacio in the history of Brazil.

Brazilian historians may have neglected him in the past, but that is no longer the case. Since 1922, when the centenary of Brazilian independence was celebrated, a deluge of documents, essays, monographs, dictionaries and books has appeared on the movements of 1821, 1822 and 1823; many of these deal at length with Bonifacio, and all of them reveal, as never before, how ubiquitous was Bonifacio's direct and indirect influence in the most momentous period of Brazilian national life. Despite the overwhelming evidence of contemporary documents and the unstinted and uncontrolled praise of modern Brazilian writers, many works appearing or revised since 1922 still slight the "Father of Modern Brazil", as he is called by many.

There are probably two outstanding factors, among others, contributing to this neglect of Bonifacio. One is the language barrier. Portuguese seems to be a stumbling block even to scholars who can handle Spanish well. The second is the lack of appreciation of Brazil's place in the history and development

¹ Armitage, *The History of Brazil* (2 vols., London, 1835 and 1836).

² Handelmann, *Geschichte von Brasilien* (Berlin, 1860).

of Latin America. The *number* of Spanish-speaking nations, terms such as *Hispanic* American, the proximity of Spanish-speaking countries to the United States, the absence in Brazil of great military heroes like Bolivar, San Martin and Sucre, the monarchism of Brazil from 1822 to 1889—all may have contributed to a lack of interest in Brazilian life and institutions. How else can one explain the neglect of one of the greatest figures America has turned out?

Bonifacio, son of a Portuguese nobleman and of a distinguished Paulista mother, was born in Santos, the seaport of the present coffee state of São Paulo, in 1765. He was proud of being a Paulista, the pioneer in most of the progressive movements of Brazil. First taught by his father, later, according to the custom of the day, when seventeen years old he was sent to the University of Coimbra in Portugal, where he obtained degrees from the faculties of Philosophy and Jurisprudence. He specialized in mineralogy and metallurgy.¹

While a student he cultivated his poetical and literary talents. As a boy he had composed many poems and in Portugal his literary ability was greatly admired. He is included in Sylvio Romero's "History of Brazilian Literature"² and his work is criticized there as though he were merely a great figure in the realm of polite letters. When exiled after performing his great work for Brazil, in Bordeaux, under the name of Americo Elysio he spent most of his time composing verses of real literary merit. To say the least, he was versatile.

It was, however, as a scientist that he won European renown. After his graduation at Coimbra he was commissioned by the Portuguese government to make a scientific expedition in Europe. He traveled from 1790 to 1800. And what years for a trained observer! Bonifacio was a true scientist in that he used his talents for the observation of all natural phenomena

¹ For the life of José Bonifacio see: Sylvio Romero, *A História do Brasil* (Rio de Janeiro, 1892); *Dicionário e Enciclopédia Internacional*, Editor, Jackson (New York).

² For Bonifacio, the writer, see: Sylvio Romero, *Compendio de História da Literatura Brasileira* (Rio de Janeiro, 1909).

and not only for those of his specialty. This will become clear in a study of Bonifacio's ideas. He visited France, Germany, England, Sweden, Denmark and the Tyrolese mines. It is unnecessary to enumerate the types of government and experiments in government he had an opportunity to observe. On this trip he formed friendships with some of the greatest minds of the day. Alexander von Humboldt was always eager to refer to Bonifacio as his friend and carried on a correspondence with him. Bonifacio worked with Volta, Priestley, Lavoisier and others. He was made a member of the Society of Research of Berlin, of the Natural History and Filomatic Society of Paris, the Geographical Society of London, the Mineralogical and Linnean of Jena. He studied at the University of Freiburg. While in Sweden he discovered several minerals until then unknown and contributed articles to many scientific magazines. He wrote mainly concerning minerals, their exploitation, etc., and showed even in these highly scientific productions that practical sense which was a marked characteristic of his whole life and work. One article in particular on the "Reforestation of the Monodego" showed not only the universality of his interests and knowledge but his great insight into the relation of natural and sociological phenomena. The relation of Bonifacio to Humboldt will serve more than anything else to indicate his rôle. He represented the modern spirit of Europe and was one of its most effective and intelligent apostles.

In 1800 he returned to Portugal as a professor at the University of Coimbra. He occupied other official positions such as supervisor of mines and chief of police of Cintra, and led a corps of students against French troops when Napoleon invaded the peninsula. In 1812 he was made secretary of the Academy of Sciences and Letters of Lisbon. In 1817 he made a remarkable speech in honor of the queen, of which only one sentence interests us. In speaking of Brazil, he says, "What a land for a great and vast Empire!" showing that he had not only not forgotten his native land but must have thought of her destiny and of her possibilities. In fact, a modern historian makes the comment that Bonifacio's faith in Brazil was his greatest attribute.

After an absence of many years, Bonifacio in 1819 returned to his native land and devoted himself to study and research, only to be caught in the whirlwind of the great events that occurred in 1821, 1822 and 1823, of which he became the center, the director and the controlling mind. It was he who organized the Junta of São Paulo; it was he who persuaded the prince to remain in Brazil; it was he who led the prince and advised him; it was he who called for deputies of the various provinces; it was he who made Dom Pedro the Grand Master of the Apostolado, a lodge founded by Bonifacio. This lodge was in favor of a monarchical government while the lodge from which it broke away was republican in spirit.

Bonifacio and his two distinguished brothers ruled Brazil for the eighteen most momentous months of Brazilian history. It was he who laid down the basis of organization and also the most vital policies followed by Brazil in the solution of her most difficult problems. The three great changes in Brazilian life were, because of Bonifacio, bloodless, more the result of evolution than revolution. Brazil escaped the direful effects of the American Revolutionary War, of the French Revolution, and of the American Civil War because what these accomplished by blood was accomplished peacefully in Brazil. It was Bonifacio who met the Brazilian problem with a Brazilian solution. He did not make the mistake made by the Spanish-American republics of adapting the constitution of the United States as a remedy for their ills, which produced, as Professor William R. Shepherd puts it, "political indigestion". Brazil had no dictators, no great civil wars, no great revolutionary upheavals. Her evolution was slow but sure, and nearly always progressive. Bonifacio knew his people, their traditions and customs, their psychology, the land. He understood the system of production; he knew what was going on in Spanish America; he knew what had happened in France. He understood the real significance of slavery and of the Indian problem; he knew the meaning of democracy and how futile it would be in Brazil at that historical moment; he knew that there was as yet no Brazilian nationality, no national cohesion; he realized that extremely intelligent measures would have to

be used to bring order out of chaos. He was arbitrary, human, and loved power—as a result he was exiled.

Probably the most reliable of the witnesses who lived in Rio during at least part of the time that Bonifácio walked the stage was Armitage,¹ referred to above. Even though he was closer to the trees than modern historians, Armitage saw the forest more clearly than they. He wore no nationalist spectacles; his vision was not blurred. He refers to himself as the impartial chronicler when he sums up the services of the Andradas to Brazil: "Their views were ever great and their probity unimpeachable. It was by José Bonifácio that the uncertain and inconstant resolutions of Dom Pedro were irrevocably fixed. . . . They retired from office undecorated and in honourable poverty." And in summing up the ten years of Dom Pedro I's reign he makes these significant comments:

His accession to the throne was in all probability the means of preserving Brazil from an anarchy even more fatal than that which has hitherto been the fate of the Spanish colonies. Any premature attempts to establish a republic must have led to a sanguinary and protracted war in which the slave population would have taken up arms, and havoc and desolation would have been spread over the fairest portion of South America. . . . The regimen to which the people were accustomed was monarchical and the monarchy was the best instrument to introduce that civilization which was wanting.²

That Bonifácio was very much respected by his enemies is revealed by the very animosity of the leader of the Portuguese troops in Brazil, General Jorge de Avilez. The ardor of his wrath is in itself a pretty compliment; he refers to Bonifácio as the "naturalist who suddenly becomes a politician . . . whose language is unison with that of the demagogues of all time and of all places . . . hiding behind a mask of *patria*, constitutions,

¹ Armitage, an Englishman who resided in Brazil, took up the history of Brazil where Southey left off, and has two volumes covering the period from 1808 to 1835.

² Armitage, *op. cit.*, vol. II, p. 138.

hatred of tyranny, and other terms with which revolutionary dictionaries abound."¹

Even in the Portuguese Cortes his movements were watched and commented upon. Borges Carneiro, a member of that body, said:

There [i. e. in Brazil] one man alone, José Bonifácio de Andrada e Silva, with the energy of his character improvises land and sea armaments, finds resources in abundance, and throws us out of doors with the least ceremony possible. We waste our time talking and do nothing but register the insults we receive from Brazil.²

Fortunately for future historians, some of the European diplomats in Brazil were not only conscientious but shrewd observers. It is only natural that the governments of Metternich and of Ferdinand VII should watch with keen interest the various steps of the movement in Brazil. The representatives of these two countries paid Bonifácio the great compliment of singling him out as the subject of long reports. Almost daily they registered their observations of his actions, his opinions, and the opinions of others concerning him. Consciously and unconsciously they reveal that they considered him the key to the whole situation. Baron Marschal³ calls Bonifácio a man "of much grace" and says that it was due to him that the Junta of São Paulo adhered immediately to the Regency established by the King. On another occasion he comments, "José Bonifácio is going very far," i. e., towards independence.

José Delavat y Rincon, Spanish Minister in Rio, writes to his chief in Madrid,

The majority of sensible persons with whom I have talked

¹ Laudelino Freire, "Aceitação do Título de Defensor Perpetuo do Brasil pelo Principe D. Pedro," in *O Anno da Independencia*, Tomo Especial (Rio de Janeiro, 1922) of the *Revista do Instituto Historico e Geographico Brasileiro*. Also, "Ministerio de José Bonifácio" by Arthur da Rocha Pinto.

² Oliveira Lima, M. de, *O Movimento de Independencia, 1821-1822* (São Paulo, 1921), p. 185.

³ *Documentos para a historia da Independencia*, vol. I (Bibliotheca Nacional do Rio de Janeiro, 1923).

. . . believe the Prince to have made a mistake when he dismissed the Andrada ministry. . . . It is believed the Prince will have to recall them.

Andrada and his brother exercise a great influence in the Legislative Assembly of which they are members.¹

To show the popular appreciation of Bonifacio and his brothers, the following quotation from the petition to the emperor requesting their reinstatement in the ministry is significant not only because of the content but because almost every class of Brazilian is represented among the signers. There are fifteen and one-half pages of signatures. The following are represented: druggist, priests and bishops, officers of the army, business men, professors, government officials, grocers, artisans, shoemaker, surgeon and students. Some sign for themselves and family, or for a club, or for themselves and friends. The petition in part reads as follows:

The people of the capital and province, lovers of the great cause of the Empire of Brazil . . . swear that the dismissal of the well loved citizens José Bonifacio and Martim Francisco de Andrada e Silva is detrimental to the greatness and progress of the movement for independence of this growing but rich and vast empire. Their knowledge of things political, their literary renown, their honor, the confidence they have inspired among foreign powers, their patriotism and love . . . have made them the anchor (with your Majesty) of this Empire. Removing them threatens us with confusion, anarchy, desolation, despotism and civil war.²

To those who know Brazil of today, and something of the Brazil of the twenties of the last century, and to those who know Brazilians and Latin psychology, every one of the following quotations contains a noteworthy sentence. Bonifacio's ideas on education and athletics sound like those of present-day, practical-minded, non-poetic Anglo-Saxons. One must compare him with the other liberators of his day to get a truer

¹ *Ibid.*, p. 444.

² *Ibid.*, pp. 402 et seq.

and better perspective on his philosophy. He reveals throughout his whole life a stark realism, and his policies and plans, therefore, are generally feasible and practicable. He had dug into real earth too long as a geologist to waste much time in reaching for unattainable clouds. He was an idealist, but his idealism was based on a foundation of reality and did not dangle footless from some beautiful star. His training as a scientist, his keen powers of observation,¹ and his cosmopolitan experience precluded loose and superficial thinking on social and political problems. He knew that it was just as impossible to transform copper into gold by a mere thought process as it was to make aristocratic Portuguese, illiterate slaves and savage Indians into intelligent democrats. In comparing him with Washington, San Martin and Bolivar, one notes that Bonifacio was not a soldier, nor did he lead armies.

In 1822, when Brazil had to strike out on her own as a free land, these were the great problems she had to solve.

1. Constitution of a government for a people with no experience in self-government, composed of three races and mixtures of those races, who lived in an enormous territory, with different climates and systems of production. Add to these factors the decentralization of colonial administration and the incipient dissolution produced by the decrees of the Cortes in 1820.

2. A slave population which was far greater than the white. There were 1,930,000 slaves, 1,000,000 whites, 260,000 civilized Indians and 526,000 mulattoes or free negroes.² The slaves seemed indispensable to the plantation owners. To the enlightened Bonifacio this problem and the civilization of the Indians were only second to the constitution of a government.

3. A large Indian population of about 800,000, of which only 260,000 were civilized.³ Bonifacio considered both the

¹ Sylvio Romero, the great Brazilian critic, refers to his keen powers of observation.

² Albert Galloway Keller, *Colonization* (New York, 1906).

³ *Diccionario Historico Geographico e Ethnographico* (Rio de Janeiro, 1922, Inst. Hist. e Geog. do Brasil), pp. 240 *et seq.*

negro and the Indian as integral parts of the population and part of the patrimony of *free* Brazil.

It was to the solution of these great problems that Bonifácio bent every effort. The great glory of Bonifácio is that his solution in each case was the one adopted. For the first, he demanded a limited constitutional monarchy—one was established; for the second, he preached the gradual emancipation of the slaves—the slaves were emancipated gradually; and for the third, he proposed a comprehensive plan for the intelligent civilization of the Indians—and his plan was adopted later.

In explaining why he chose a monarchical solution for Brazil, he had in mind the peculiar needs of his people. He knew their weaknesses and had the courage to point them out. This is shown in the following quotations. The first is taken from the correspondence of Baron Marschal, the Austrian diplomat, as quoted by Lima.

Bonifácio's program includes material improvements, construction of roads and canals, the impartial administration of justice, abolition of the slave trade, good schools, and the improvement of the race by means of gymnastics and athletics for the physical improvement of the youth of Brazil.¹

The Brazilians are enthusiastic supporters of a beautiful ideal, friends of their own liberty and do not give up easily the privileges they have once won. . . . Ignorant because uneducated but talented by nature . . . capable of great deeds as long as concentration is not required and as long as continued and monotonous effort is not demanded; sexually passionate because of climate, life and education. They undertake much but finish little.²

They accuse me of having planted the monarchy, yes, because I saw that the customs of the people were eminently aristocratic; because it was necessary to get the support of the old families and the wealthy men who detested and feared the demagogues; because Portugal was monarchical, and the Brazilians imitative monkeys. Without the monarchy there would have been no

¹ Oliveira Lima, *O Movimento, etc.*, p. 200.

² Vicente Licínio Cardoso, *Figuras e Conceitos* (Rio de Janeiro, 1924), p. 225.

center of strength and union and without this the nation could not have resisted the Portuguese Cortes and could not have achieved her national independence.¹

Bonifacio was very much aware of the distracted state of the Spanish-American republics which were struggling with a form of government for which they were not prepared by temperament or by education. He remembered what he had seen while in France and recalled it to the Constituent Assembly in the notable speech reported by Armitage:

José Bonifacio dilated on the unfortunate condition of Spanish America for 14 years involved in civil war; he dwelt on the sufferings of France, assuaged only by the return to a monarchical form of government; and after alluding to the present distracted state of the Peninsula concluded in the following words: "As far as my voice can go, I protest in the face of the present assembly, and of the entire people, that we will form a constitution not democratic but monarchical and I myself will be the first to concede to the Emperor that which is really his due." ²

Bonifacio's ideas in regard to slavery and the aboriginal population are found in two monographs, "Apontamentos para a Civilização dos Índios" and "Representação a Constituinte Sobre a Escravatura", both found in a document of the Department of Agriculture of 1910.³ He anticipated Lincoln in preaching that a democracy cannot live half-free and half-slave. The problem of slavery in Brazil was settled as in no other

¹ Arthur da Rocha Pinto, quoting Martim Francisco, grandson of José Bonifacio, in *O Ministério*, p. 93.

² Armitage, *op. cit.*, vol. II, p. 120.

³ *Homenagem a José Bonifacio no 88º Anniversario da Independencia do Brasil — Inauguração do Serviço de Protecção dos Índios* (Ministerio de Agricultura, Rio de Janeiro, 7 de Setembro de 1910). This pamphlet contains the two essays by Bonifacio on Slavery and on the Civilization of the Indians. There is an interesting introduction by General Rondon paying tribute to Bonifacio and stating that the program for the civilization of the Indians was, with few exceptions, precisely that outlined by Bonifacio. Rondon's only criticism of Bonifacio was that he was not a follower of the "incomparable master August Comte."

country. It was abolished gradually and without bloodshed. The very close relationship of slavery to the monarchy and to colonialism is the subject of a detailed study being carried on in this country and in Brazil by a Columbia Fellow, Mr. Rüdiger Bilden. He has been kind enough to allow me to use certain parts of his excellent and scholarly manuscript. His trenchant statements are the result of careful thought and research. And yet he has no hesitation in saying, "Indeed the ultimate effect of his very fruitful political, scientific and literary activities mark him as the greatest personal factor in the gradual abolition of slavery and in the transmutation of Brazilian energy from which evolved the Brazil of today."

Bonifacio tore down the humanitarian arguments for the defense of slavery by showing its inconsistency with Christian teaching and with the teachings of Liberty, Equality and Fraternity. He found slavery incongruous in a state organized on the basis of popular sovereignty. He understood the moral effects upon society of the presence of large numbers of slaves and of slavery as an institution upon the economic and political life of the nation. He says:

But how can there be a liberal and lasting constitution in a country inhabited by an immense multitude of brutal and hostile slaves?

It is time and more than time that we end a traffic so barbarous and cruel; it is time that we should begin to end slavery gradually until it is absolutely eradicated . . . so that in a few generations we may have a homogeneous nation, without which we shall never be free, respected and happy.

It is absolutely essential that we end such physical and social heterogeneity . . . harmonizing . . . discordant elements into a whole . . . which will not crumble at the least touch of political commotions . . .

Luxury and corruption appeared in Brazil long before civilization and industry, and what is the cause of such a frightful phenomenon? Slavery, gentlemen, slavery, because he who lives on the earnings of his slaves lives in indolence, and indolence brings vice in its wake. Blind cupidity, however, says that slavery is necessary in Brazil because its people are flabby and lazy. They most certainly lie.

He used these humanitarian arguments because he knew there was a class of Brazilians who could be enlisted in a crusade against slavery only on idealistic grounds. In his arguments on the economic unsoundness of slavery Bonifacio showed how far ahead of his day he was and how clearly he understood the relation of slavery to national development. Incidentally, of course, the only argument which could convert slave owners to emancipation would be the economic, and therefore Bonifacio set out to break down their misconceptions of slavery as a paying business. He spoke of the immense capital invested in slaves who die, who get ill and who become useless, an investment incommensurate with the profits received.

The labor of slaves in Brazil does not produce the profits with which lazy and fantastic persons deceive themselves.

. . . It either makes one mad or laugh to see twenty slaves carrying twenty sacks of sugar which could be carried in one or two well built wagons drawn by two oxen or mules.

. . . Twenty slaves require twenty hoes, all of which could be saved by one plow.

. . . The state loses because without slavery owners would use more intelligence and industry in caring for the patrimony of the nation.

. . . Our woods full of precious lumber . . . would not be destroyed by the murderous axe of the negro or by the devastating flames of ignorance.

. . . Cochin China has no slaves . . . and yet produced enormous quantities of sugar in 1750 . . . without the necessity of destroying the forests and sterilizing the soil as unfortunately is occurring with us.

Bonifacio realized full well that an abrupt freeing of the slaves was impossible, and he made it a cardinal part of his policy that they be freed gradually. In the many articles of the program he prepared for the assembly he has this gradual emancipation in mind. He says:

I do not wish to see slavery abolished abruptly . . . such an event would bring great evils . . . it is necessary first to make them worthy of freedom.

. . . Make the negroes free and proud, give them incentives, protect them, they will reproduce and become valuable citizens.

He proposed the intermarriage of the negroes and the other races. That has gone on in Brazil, and Brazil has no "race" problem. Brazil emancipated its slaves gradually and compensated the slave owners. When slavery was finally abolished in 1888 there was no bloodshed. The monarchy which depended on slavery fell the next year.

The third great problem Bonifacio set out to solve was that of the wild Indian. The introduction to the essay on this problem is by General Candido M. da Silva Rondon, the present-day apostle to the Indians of Brazil. The occasion was the inauguration in 1910 of the service of protection of the Indians—part of the ceremony was an homage to Bonifacio because this service was based on Bonifacio's program. Rondon says:

The process and the measures recommended by José Bonifacio to realize such a high aim are essentially the same adopted by the Regulation (June, 1910), where the dignity, habits and institutions of the Indians are respected religiously, as well as their life, family and property.

To attract them to the enjoyment of our civilization, the Regulation uses the same means recommended by the Patriarch.

The recommendation never to *force* the Indians to leave their errors and bad habits or force them to heavy and monotonous labors, but better to win their sympathy, friendship and trust, caring for their temporal and physical welfare, is scrupulously respected and followed in the Regulation.

Bonifacio's analysis of Indian psychology and development remind one of Boas's explanations of the conditions that influence the constitution of a population, "heredity, environmental influences and selection". It is unnecessary to recall the fact that Bonifacio lived in the day when race and blood were the universal explanations or excuses for inferiorities and superiorities of, or differences among, peoples. About the Indians of Brazil he says:

Man in the savage stage . . . in Brazil must be lazy; he has

few or no needs . . . he has no idea of property, no desires for distinction, no social vanities, which are the powerful springs which put civilized man into action . . . he is stupid . . . [because] everything which does not concern immediately his physical conservation . . . escapes his attention . . . But the most apathetic man must satisfy his physical and indispensable needs . . . he must repel force with force . . . war becomes a necessity and a pleasure . . . thence come inveterate hatreds, desires for revenge, and unbridled atrocities.

Bonifacio then makes some general remarks on the process of civilizing the Indian.

The Jesuits knew that with presents, promises and clear and sane reasons, given by practical men in Indian languages, they could do with the savages what they wished. . . . The Indian is a "mere automaton" whose springs can be set in motion by example, education and benefits. . . . They hate us . . . because with the pretext of making them Christians we have done and are doing them great injustices and cruelties.

He proposes in forty-four¹ articles the means for civilizing the Indians. He describes fully the machinery he would set up to accomplish his high aim. It is impossible to reproduce it here because time and space forbid. Every step is marked by common sense, practicality and thoughtfulness for the Indian and for the white alike. Some proposals, such as those relating to intermarriage, seem extreme, but he is careful to recommend all sorts of safeguards to avoid disagreeable results. He develops a system of checks and counter-checks so as to guarantee that the Indian will not be exploited. He is equally anxious that the white too shall not be deceived or injured by the Indian or discriminated against by the government in behalf of the Indian.

Some of these articles are so startling in their modernity that I quote them in full.

1. Justice—purchase their God-given lands.
2. Kindness, consistency and patience on our part.

¹ *Homenagem etc.*, as cited above.

3. Trade with savages even at a loss.
7. Send trained missionaries . . . because it was crass ignorance, not to say brutality, to wish to civilize and domesticate Indians by force of arms, with soldiers and officers, mostly without sense, prudence or morality.
8. To get virtuous, prudent and educated missionaries it is necessary to guarantee them the proper salaries and necessary privileges.
14. It is necessary to arouse their curiosity [i. e. of the Indians] and to give them exalted ideas of our power, knowledge and wealth. It would be expedient for missionaries to take an electrical apparatus . . . to make beautiful and curious experiments in their presence.
20. Besides schools for the three R's, schools of arts and trades.
21. Avoid abrupt changes of climate which increase mortality. Choose healthy places. Accustom them slowly to new types of work and to new foods.
25. Missionaries should introduce plows to lighten burdens of farming.
26. Missionaries should take all precautions to avoid famines.
28. Banks which will pay interest on Indian savings.
35. Vaccination, etc., etc.

Bonifacio was not "a prominent republican politician of Brazil", as he is described in Roosevelt's book, *Through the Brazilian Wilderness*. He was neither a republican nor a politician. He was much more.

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A SURVEY OF BRITISH POLICY IN THE FASHODA CRISIS

THERE is nothing more likely to impeach the doctrine of the "inevitable" in human affairs than the surmounting of an exceptionally grave international crisis without war. The long-accumulated exasperation engendered by the colonial rivalry of France and Great Britain during the last decade of the last century should, if we weigh the strength of historical forces, have produced a terrific explosion over the question of the possession of the Upper Nile. Seldom, even to the present day, are French and British writers so consistently at variance as when they treat the merits of the Anglo-French controversy over Fashoda; and it was clearly due to no recognition of a moral solution of the question that the dispute failed to provoke a war. The recent publication of volume I of the *British Documents on the Origins of the War, 1898-1914* enables us to gauge the temper of the Salisbury Ministry during the fateful months of September and October, 1898, and throws fresh light upon the determination of the outcome. But rarely has a struggle been so fraught with complications, political, geographical, and juridical; and, until the archives of the Quai d'Orsay and the Pavillon de Flore are thrown open to the investigator, there is much in the preliminaries of the struggle that must continue to remain obscure. Particularly is this true of the evolution of French policy in the Sudan; for frequent changes of ministries¹ led to as many revisions of plans, and there was sometimes even a painful want of cohesion between the various ministerial departments.²

It is not necessary to the purpose of this article to give more than a brief survey of the dramatic struggle which led to "Fashoda". The abandonment of the Egyptian Sudan by

¹ From May 30, 1894, to the close of the Fashoda crisis in November, 1898, there were six ministries.

² See Schefer, *D'une guerre à l'autre*, pp. 203, 228.

the Gladstone Ministry in 1885 left the advantage of possessing the Upper Nile and its tributaries to the first European Power which chose to extirpate Mahdism and establish "effective occupation"¹ of the debatable territory. Just east of the watershed between the Congo and the Nile, and watered by numerous tributaries of the latter, lay the densely-wooded region, once lightly controlled by Egypt,² known as the Bahr-el-Gazal, considered of much potential value³ save the eastern portion which comprised a broad stretch of fever-ridden morass extending to the edge of the Nile.

The motives of the French designs on this region were various. "The idea of spanning Africa from west to east . . ." as one colonial minister has confessed, "prevailed in France for several years."⁴ Some, no doubt, like the explorer de Brazza, were hoping to force the whole Egyptian question into the crucible;⁵ while even the more moderate imperialists espoused a policy of "penetration", designed to give France a favorable position before seeking a settlement by negotiation. Since by her treaty with Leopold in 1887 France got the frontier of the Congo State fixed well to the south of the Bahr-el-Ghazal, it may be presumed that she already cherished the thought of occupying that region, and apparently some such design was contemplated by de Brazza three years later.⁶ Not, however, until 1893, when Théophile Delcassé became under-secretary

¹ Although this condition, laid down by the Act of Berlin, applied only to coastal regions (see Hertslet, *Map of Africa by Treaty*, vol. II, p. 485), the application of so useful a precedent to the Egyptian Sudan seems to have been assumed by both sides in the subsequent discussion over Fashoda.

² See the interesting article of Dehérain, "L'Occupation égyptienne du Haut Nil" in *Revue des Deux Mondes*, vol. CL, pp. 182 *et seq.*

³ Felkin, "The Soudan Question", *Fortnightly Review*, vol. LXXIV, pp. 483 *et seq.*

⁴ Lebon, "La Mission Marchand et le Cabinet Méline", *Revue des Deux Mondes*, vol. CLVIII, p. 276.

⁵ In February, 1895, de Brazza was quoted as saying, "L'accès par le Sud de la vallée du Nil est le seul moyen qui permettra un jour de trancher conformément à nos intérêts la question d'Égypte." *Bulletin du Comité de l'Afrique française*, 1895, p. 83.

⁶ Liotard in *Le Temps*, October 7, 1898.

of the colonies, did the idea take definite shape; and Colonel Monteil, one of the most daring of French explorers, was then designated for the task of heading an expedition to Fashoda on the Nile. Yet this first project died stillborn.

Meanwhile Leopold had pushed his outposts into the forbidden region, and, while France was engaged in trying to bring him to terms, a check came from an unexpected quarter. The British government, which had already barred Germany and Italy from the upper Nile valley, concluded in May, 1894, a convention with the Congo State, conferring upon Leopold a lease of most of the Bahr-el-Ghazal during his lifetime. Such a move was not only a thrust across the path of French expansion; it bespoke the right of Egypt—and, thereby, Great Britain—to take possession at some future time. France promptly protested on various grounds, including the fact that the Sultan of Turkey, as the khedive's suzerain, had given no sanction to the transaction; and, when Great Britain, deciding that she had been over-hasty, released Leopold from the agreement, France made in August her own bargain with Leopold, which fixed the northern frontier of the Congo State at the river Mbomu.

The renewed energy of France had been due to Delcassé, now minister of the colonies, and to the new foreign minister, Gabriel Hanotaux. Now that the way was clear once more, orders were sent in September, 1894, to M. Liotard, lately appointed commissioner of the Upper Ubanghi, to occupy the Bahr-el-Ghazal with a view eventually to pressing forward to the Nile. As a matter of fact, Liotard's resources were insufficient to enable him to do more than consolidate French possession of the Mbomu; and Monteil, whose order to join him had been countermanded, concluded that it was intended that "our expansion should pursue in the future a less rapid course."¹ Speaking somewhat later in defense of his policy, Delcassé stressed the importance of holding the line between the Congo and the Mbomu;² of the Nile as an objective he

¹ Monteil, *Souvenirs vécus*, p. 121.

² Séance du 2 mars, 1895, *Annales de la Chambre des Députés*.

uttered no word.¹ It may be suspected, perhaps, that the "colonial party" had been held in leash by a stronger hand. The policy of Hanotaux, as he has told us, was to prevail upon the British to negotiate a treaty of delimitation, and it was not his fault that the Dupuy cabinet failed to make the most of a British overture in the fall of 1894.² The French were still some five hundred miles from the Nile; while from the side of Uganda Colonel Colville, acting commissioner of that colony, was engaged in strengthening its defenses by a punitive expedition at the point where the Nile leaves Lake Albert.³ Such were premonitions of the coming storm.

Before long the battle of conventions and diplomatic bargaining was succeeded by a battle of orators. On February 28, 1895, an ardent imperialist, François Deloncle, impressed it upon the Chamber of Deputies that the way to the Nile was open, and that, though France did not meditate conquering territories belonging to the sultan, she intended to be in a position of vantage in the event that Great Britain evacuated Egypt, as she had promised.⁴ Was this a challenge to British good faith? One wonders. At all events, so imprudent a declaration (which had followed close upon a similar utterance of de Brazza's⁵), coupled with vague rumors of French activity on the Upper Nile, soon brought the question before the House of Commons.⁶ To an inquiry as to whether the British sphere

¹ M. Reynald suggests (*L'Œuvre de M. Delcassé*, p. 13) that Delcassé was not in sympathy with the more ambitious aims of French imperialism. Granting that that is true, he was at least an opportunist—unless we are to suppose that he was at times a tool of the more aggressive element.

² Hanotaux, *Fachoda*, pp. 88-90.

³ Fox-Bourne, "The Uganda Protectorate and its Relation to the Sudan", *Imperial and Asiatic Quarterly Review*, third series, vol. VII, pp. 326-7.

⁴ Séance du 28 février, 1895, *Annales de la Chambre des Députés*.

⁵ See page 55, note 5.

⁶ Freycinet suggests (*La Question d'Égypte*, p. 403) that perhaps the brilliant personality of Monteil, who had been sent to the Ivory Coast, led the British to suspect that an expedition to the Nile was on foot; but Grey himself informs us (*Twenty-five Years*, vol. I, p. 19) that the British cabinet did not believe the rumor, though he felt that some such warning as he gave might prevent the forming of such a plan.

covered the whole of the Nile, Sir Edward Grey, then under-secretary of the Foreign Office, responded rather cryptically, "No, but the Egyptian and British spheres together cover the whole course of the Nile."¹ Interpellated again on March 28, Grey then made his famous declaration in which he warned France that, in view of the "claims we may consider we have under past agreements and the claims which we consider Egypt may have in the Nile valley", the advance of a French expedition into that region "would be an unfriendly act and would be so viewed by England." Here was certainly a case of diplomacy *aux mains nues*; and so public a pronouncement was hardly atoned for by the foreign secretary's subsequent efforts to tone down his subordinate's language.² Since France had never, like Italy and Germany, recognized the British sphere on the Upper Nile, she could hardly be expected to submit to a unilateral decision; and Hanotaux, speaking to the Senate on April 5, protested warmly against the British pretensions and the language which had accompanied them, though he added that, provided the rights of the sultan and khedive were respected, France and England should be able to arrive at an agreement. It was doubtless because the rights of Egypt might some time be revived—rights which France did not propose that England should liquidate alone—that the French government was later so stirred³ by the news of the "march to Dongola".

Unfortunately the struggle was soon to enter on its third phase, a race of expeditions. The Salisbury ministry, which came into office in July, 1895, began toward the end of the year to consider the notion of reconquering the Sudan, and the idea of an expedition to Dongola was even broached to the French government. Again, it seems, Paris distrusted British

¹ *Parliamentary Debates*, fourth ser., vol. XXXI, 781-2.

² Kimberley told the French ambassador that the British claim might be accepted or not—it was an open question—and he looked forward to the day when Great Britain would end her occupation of Egypt and its attendant responsibilities. The French and British versions of this affair are both summarized in Gooch, *History of Modern Europe*, pp. 273-4. Grey's declaration was criticized by Labouchère (who followed him in the debate) as "amounting to a quasi-declaration of war against France": *Parl. Deb.*, vol. XXXII, 418.

³ See Hanotaux, *op. cit.*, pp. 102-3.

overtures, and the opportunity was allowed to slip.¹ Yet this suggestion of renewed activity on the part of the rival across the Channel determined the sending of Captain Marchand on his celebrated anabasis to Fashoda. It was, according to the tenor of his instructions (dated February 24, 1896), to be a "peaceful penetration", chief reliance being placed upon friendly natives (whose expected coöperation may doubtless account for the slender force confided to Marchand), while, still further to make the effort seem innocuous, the captain was subsequently subordinated to Liotard, who was duly informed that "the mission cannot be considered a military enterprise". If not "military", its purpose was almost certainly political. As a matter of fact, Liotard was expected to take care of all dervishes in the rear of the "explorers", while an attempt to enlist the aid of Abyssinia might have succeeded, but for unforeseen circumstances.² After all, the real significance of the project lay in the concluding portion of Marchand's instructions: "if we are to anticipate Colonel Colville on the Nile, it is necessary to get there first."³ All this was, of course, unknown to the British government, which at last took the step in March, 1898, of ordering Kitchener's advance to Dongola—a move which France had endeavored to get Turkey to prevent,⁴ and in which the parliamentary opposition discerned ulterior objects.

By April, indeed, the mask was off, and, with the victory of Omdurman and the capture of Khartum, the British had effectually broken the power of the Khalifa, and had definitely set foot on the debatable region. But meanwhile Marchand had at last come to the end of his laborious pilgrimage. On July 10 he had reached Fashoda. It was more than three months later—on September 20—that the famous "incident" took place, when the initial danger of war was averted by the

¹ Hanotaux, *op. cit.*, pp. 101-2. The overture was obviously prompted by the desire to get the expenses of the expedition defrayed by the Egyptian treasury—a plan which France easily frustrated.

² Details are given in Lebon, *op. cit.*, pp. 285-93.

³ *Ibid.*, p. 279.

⁴ *Die Grosse Politik der Europäischen Kabinette, 1871-1914*, vol. XI, no. 2725.

cool resourcefulness of the two commanders. It is a curious irony that the village which became the focus of attention in the coming struggle was all but hidden by tropical reeds. "A more dreary and uninviting place (so ran a British consular report) it is impossible to conceive."¹

Although the French occupation of Fashoda was a surprise to the general public, the British government had not been entirely unprepared for this event. On September 7 Delcassé, now minister of foreign affairs, had informed Sir Edmund Monson, British ambassador at Paris, that Kitchener might meet Marchand on the Nile, but that the captain had been told that any "question of right" must "appertain exclusively to the competence of the British and French governments."² Anticipating the probability of such a meeting (for the French were already known to be in the Bahr-el-Ghazal³), Salisbury had written Cromer on August 2 that "nothing should be said or done which would in any way imply a recognition on behalf of Her Majesty's Government of a title to possession on behalf of France or Abyssinia to any portion of the Nile valley";⁴ and to Monson on September 8 he declared that "all the territories which were subject to the Khalifa passed to the British and Egyptian governments by right of conquest."⁵ Thus, while Delcassé looked forward, *à la mode d'Hanotaux*, to an amicable negotiation, the British government had decided that the question was not susceptible to discussion. It was a hazardous beginning for a diplomatic duel. To Delcassé, who had ignored a German overture some months ago,"

¹ *Accounts and Papers, 1899, Egypt, no. 5, p. 11.*

² Monson's words: *Brit. Docs.*, vol. I, no. 188; cf. *Livre jaune: Affaires du Haut Nil*, no. 3 (cited hereafter as *Livre jaune*).

³ The progress of the Marchand expedition was noted, for example, in *Bulletin du Comité de l'Afrique française*, Jan. 1898, p. 4. In its issue of Jan. 6 the *Times* took note of some letters (published in the *Temps*), in which the expedition was represented as about to pass into the Nile valley. The *Times* promptly reminded its readers of Grey's declaration.

⁴ *Brit. Docs.*, vol. I, no. 185 (already printed in *Egypt, 1898*, no. 3).

⁵ *Ibid.*, no. 189.

⁶ Bourgeois and Pagès, *Les Origines et les responsabilités de la guerre*, p. 375; cf. Schwertfeger, *Die Diplomatischen Akten des Auswärtigen Amtes*, vol. III, pp. 26-27.

the situation might well have furnished material for reflection.¹

One thing which undoubtedly hindered any adjustment of the pending question was its intricacy. Not only were the premises of the two contestants fundamentally divergent, but neither had adhered consistently to its own position, and there were, besides, some questions of fact on which evidence was scanty. It would hardly be profitable to follow the diplomatic debate in any chronological sequence; yet one cannot well ignore the legal aspects of the controversy, if, for no other reason, than that they provided the fodder for public opinion.

The British position was, at least, as a French writer has expressed it, one of "absolute simplicity".² Fashoda had been a possession of the Khedive's, and title was not lost by the fact of its conquest by the Mahdi. Hanotaux himself had recognized that the Sudan belonged to Egypt, and Great Britain was, of course, acting in Egypt's name. Kitchener had taken the Mahdist capital (Khartum), which implied the recovery of sovereignty over the whole of the lost province; and, anyway, penetration of the Sudan by a handful of men (saved, indeed, by Kitchener's timely victories) could hardly be regarded as "effective occupation". Moreover, the Upper Nile lay within the British sphere of influence, which Germany had recognized in a convention that France had not disputed. But the kernel of the British argument was that the territory in question belonged to Egypt, and was recovered for Egypt, and Great Britain had duly warned the French government against any intrusion into this region. Again and again British despatches, speeches, and editorials cited Grey's declaration as though it formed a postulate of unquestionable validity.

Naturally enough, the French diplomats could not admit the British claim to prohibit French soldiers from occupying terri-

¹ Without any special reference to Germany the *Bulletin du Comité de l'Afrique française* (1898, p. 60) had already remarked, "La préparation diplomatique d'une entreprise comme celle que nous poursuivons sur le Bahr-el-Ghazal est encore plus importante que sa préparation technique. L'une sans l'autre pourrait n'être qu'une aventure." New in his present office, Delcassé, as Schefer points out (*op. cit.*, p. 222) was something of an amateur in diplomacy.

² Caix, *Fashoda*, p. 257.

tory on the plea of a sphere which Paris had never recognized; and, in any event, the expedition of Marchand was an offshoot of Liotard's activities, set on foot long before Grey's declaration. It was denied that the occupation was not "effective"; French posts had long been established in the Bahr-el-Ghazal (so Kitchener's victories had no bearing there), and the size of Marchand's forces was no indication of his strength, as there was considerable native support on which he could draw. The capture of Khartum was all very well, but Fashoda had actually been taken first, and Marchand's success had contributed to make Kitchener's decisive. But the main French contention was that the Bahr-el-Ghazal was *res nullius*. The Mahdi had dispossessed Egypt of the Sudan, and the British government had deliberately induced its abandonment. The notion that Egyptian sovereignty lay dormant during the fourteen years of Mahdist occupation was held by the French to be untenable. Moreover, if the British contended that Egypt's territories could not be dismembered, it was to be recalled that Great Britain herself had appropriated the equatorial province, besides trying to deliver the Lado district to Leopold.¹ Finally, if Egypt did have uncontested right to all these lands, by what right should Great Britain pronounce judgment instead of Egypt herself, or the suzerain Power, Turkey? This was, of course, raising the Egyptian question, and conveyed a threat which France could always venture, if driven into a corner.

It was, of course, futile to suppose that either side would be subdued by dialectics; and, indeed, the position of each was vulnerable enough to be readily assailable. While France was in no way bound to recognize a British demarcation of a British sphere, she had, herself, espoused the rights of both the sultan and the khedive, when Hanotaux had made his famous rejoinder to Grey's declaration; and it is at least rather doubtful if the possessory rights of Egypt had been automatically

¹ Monson told Delcassé, who brought up this point, that he was "not authorized to discuss the question of right." *Brit. Docs.*, vol. I, no. 214; cf. *Livre jaune*, no. 13. When Courcel pointed out to Salisbury that France had as much right to touch the Nile as the Belgians, the premier reminded him that Leopold's possession was for life only. *Egypt*, no. 3, 1895, no. 1. This was obviously begging the question.

terminated by the mere fact of her dispossession by an insurgent movement, now clearly on the wane. Yet Great Britain was on weak ground when she claimed the territory for Egypt—first, because she had more than once disregarded Egypt's rights herself, and secondly, because her position in Egypt was but an arbitrary *fait accompli*, unsanctioned by the Powers, and admittedly provisional. It is a little curious that France herself had not grasped the strategic advantage of acting also as the self-appointed mandatory of the nominal lords of the Sudan.² Such procedure, besides stealing some of the British thunder, would have placed the question on a basis which the British would have hesitated to dispute. But it would seem that France was not disposed to risk a battle over the Egyptian question, if only Great Britain would allow her a reasonable solatium for the mistake she had made in 1882. As a British writer puts it, "Not able . . . to enter the Nile region by the front door, France tried to enter from the rear."³

But, whichever side may have had the better legal case, the immediate question was not so much one of argument as one of tactics. Delcassé, notwithstanding German opinion to the contrary,⁴ was surely justified in feeling that French sentiment would hardly tolerate the immediate recall of Marchand at the dictation of the adversary. Might not the British ministers come to realize, themselves, that insistence on such a demand would not only render compromise more difficult, but be more than likely to provoke war? "Do not drive me into a corner,"⁵ he is reported to have begged; and it was not in vain that the London correspondent of the *Matin* wrote of the prevalence in British circles of the dreaded word, "ultimatum"⁶

¹ An article in the *Bulletin du Comité de l'Afrique française* (1896, p. 107) had gone so far as to say: "Nous sommes persuadés que nous serions d'aussi bons dépositaires des droits de l'Égypte sur le Bahr-el-Ghazal, que l'Angleterre au Caire, à Dongola, et à Khartoum."

² W. H. Dawson in Ward and Gooch, *History of British Foreign Policy*, vol. III, p. 250.

³ See *Die Grosse Politik*, vol. XIV, no. 3911.

⁴ *Brit. Docs.*, vol. I, no. 198.

⁵ *Matin*, Sept. 18.

Clearly what the French diplomat wanted was to negotiate a treaty, by which France should obtain access to the Nile—not essential for commercial reasons (since Great Britain did not usually raise economic barriers), but an all-important concession to French vanity—or, at the very least, the recognition of her claim to the bulk of the Bahr-el-Ghazal. To this end, the possession of Fashoda was the visible sign of the long and persistent pressure of French claims; though it must be understood that every utterance of Delcassé was couched in a conciliatory tone. In the meantime, he deliberately played for time by insisting that he must await Marchand's report before agreeing to his withdrawal.¹ The next few weeks would enable him to plumb the depths of public opinion, as well as to see if by any chance the British government might be budged from its *non possumus* position.

For the present, certainly, Salisbury assumed an attitude that fundamentally precluded discussion. Whether it is true or not, as the German ambassador declared, that Chamberlain and others of the cabinet preferred war to the least concession,² the premier himself was sufficiently mindful of his recent reverses in the Far East to know that his attitude on this question would be subjected to a none too friendly scrutiny; and it is not improbable, moreover, that that reputation for "gracious concession", which he had earned through certain recent dealings with France,³ had come to acquire a rather malicious connotation. Yet Salisbury may well have thought that even an inflexible attitude would not necessarily mean war, so long as he refrained from pushing his case to the point of an ultimatum. When Delcassé asked for the courtesy of a British vessel to bring a message to Marchand, the premier was, no doubt, glad of an excuse for not forcing the issue, though he bade Monson inform Delcassé that "if the present situation is prolonged,

¹ *Livre jaune*, *op. cit.*, no. 13.

² *Die Grosse Politik*, vol. XIV, nos. 3908 and 3941; cf. Gardiner, *Life of Sir William Harcourt*, vol. II, p. 471. There was a meeting of the cabinet on September 20: *Standard*, Sept. 20. The *Standard*, which was considered the government's paper, remarked, "They cannot, if they would, retrace their steps."

³ Notably settlement of the Niger dispute, June 14, 1898.

. . . some immediate publication of the facts by the government will become necessary.”¹ Even this threat was not immediately acted upon. On October 5 Salisbury and Courcel, the French ambassador, indulged in a long and inconclusive debate on the matters under dispute. In his own account of the interview Salisbury seems to have given his interlocutor no encouragement,² but according to Courcel’s version he hinted a willingness to discuss the question of delimitation with his colleagues, who (he added) were *dispersés en ce moment*.³ Five days later he published a blue-book, containing a selection of despatches pertinent to the dispute. It was a definite appeal to the arbitrament of public opinion.⁴

The French “apparition” on the Upper Nile was first rumored in the British press on September 10, and by September 12 the story was given general credence. However much desultory discussion there may have been of the possibility that the strange force might be French, the confirmation of the news, coming as it did on the trail of Kitchener’s triumphs, produced a shock, which, as an eminent observer later expressed it, “*avait coupé comme d’un coup de cravache la joie d’Angleterre*.”⁵ True, some Liberal papers, like the *Manchester Guardian*, the *Daily News* and the *Daily Chronicle*, saw no ground for hasty assumptions, and believed an opening might be found for peaceful adjustment. With unusual keenness the *Guardian* reflected somewhat later that the question of whether the French should keep Fashoda was by no means contingent upon their immediate withdrawal, which was cer-

¹ *Brit. Docs.*, no. 197.

² *Ibid.*, no. 203 (also in *Egypt*, no. 8, 1898, no. 1).

³ *Livre jaune*, no. 25.

⁴ For a study of British public opinion during the Fashoda crisis the files of the following papers were examined for the months of September, October, and November, 1898: (London dailies) the *Times*, *Standard*, *Morning Post*, *Daily Chronicle*, *Daily Telegraph*, *Daily News*, *Westminster Gazette*, *Daily Mail*, *Morning Leader*, *Evening News*, *Star*, and *Globe* (through October 10); (provincial papers) *Manchester Guardian*, *Yorkshire Post*, *Liverpool Post*, *Birmingham Daily Post*, and *Glasgow Herald*; (weeklies) *Spectator*, *Observer*, *Saturday Review*, and *Punch*.

⁵ M. Blowitz in *Matin*, Oct. 22, 1898.

tainly not worth a war.¹ But the Conservative press, while fairly moderate in tone, was inflexible on the question of maintaining Egypt's right against the trespasser; and the more radical sheets, such as the *Star*, the *Globe*,² the *Morning Leader* and the *Evening News* seemed for a moment to be trying to outdo one another in virulence. "There is no need to argue the point," declared the *Evening News*, "If a householder finds a man in his back garden, he does not go to arbitration about the matter or enter into elaborate arguments to show that he, the householder, is the owner of that garden. He simply orders the trespasser out, and, if he will not go out of his own accord, he has to go in another fashion."³ The *Daily Mail* talked equally of ejecting the intruder, if he would not go willingly;⁴ and the *Morning Post* warned its readers that, if there was no disavowal of Marchand's expedition, there would be "no other course open but an ultimatum, coupled with the mobilization of the military and naval forces of the Empire."⁵ Even the stolid *Spectator* declared, "It is quite clear that Fashoda must be retained, even at the cost of war."⁶

The French press showed, on the whole, a more pacific spirit, though such obdurate support of the British claims stiffened its attitude for a time. But the general public on both sides of the Channel had little notion of the part which diplomacy might be playing until the first British blue-book appeared in print.⁷ It was something of a relief, no doubt, to discover that France at least was anxious to avoid war, though the uncompromising attitude of the British government met with

¹ *Manchester Guardian*, Oct. 24, 1898; cf. Westlake, in *Times*, Oct. 27. Courcel had suggested to Salisbury that the evacuation of Fashoda should be agreed upon as preliminary to a general adjustment of boundaries: *Livre jaune*, no. 25.

² An article in the *Globe* on October 10 even drew a complaint from Delcassé: *Brit. Docs.*, no. 209.

³ *Evening News*, Sept. 13, 1898.

⁴ *Daily Mail*, Sept. 13, 1898.

⁵ *Morning Post*, Sept. 12, 1898.

⁶ *Spectator*, Oct. 1, 1898.

⁷ Published October 5. A second one was published October 25 after the appearance of the *Livre jaune* on October 23.

general approval in England.¹ "We cannot conceal from ourselves," remarked the *Times*, "that Lord Salisbury and his colleagues have taken a position from which retreat is impossible. One side or the other will have to give way. That side cannot, after the publication of these papers, be Great Britain."² The *Daily Chronicle* considered the situation "grave",³ though the *Guardian* believed the crisis less acute than it had been.⁴ Much, of course, might depend on the degree of support which Salisbury received from the country; for, if that support were meagre or half-hearted, the French cabinet would be able to temporize without incurring too great a risk. For this reason the speech of Lord Rosebery on October 12 was of much significance. No new argument was brought forward, but the leader of the Liberals placed himself unreservedly behind the premier in support of British claims.⁵ Asquith spoke in similar vein on the 13th.⁶ "The British nation is indeed united," wrote the *Morning Post*, "in a way that it perhaps never was before."⁷ On October 20 a radical organization, the Yeovil Workingmen's Liberal Association, while condemning in general the foreign policy of the government, expressed approval of its present attitude.⁸ No wonder the German ambassador came to the conclusion that, with the whole of public opinion arrayed on his side, Salisbury would certainly find it hard to retrace his steps.⁹

The unequivocal expression of British opinion (taking it by and large) had undoubtedly made an impression upon Delcassé, who now voiced his willingness to discuss the withdrawal

¹ Delcassé's unfortunate quibbling over the status of Marchand, whom he had described as "nothing but an emissary of civilization" (*Brit. Docs.*, no. 188), came in for a good deal of ridicule in British journals and speeches.

² *Times*, Oct. 10, 1898.

³ *Morning Chronicle*, Oct. 11.

⁴ *Manchester Guardian*, Oct. 11.

⁵ *Times*, Oct. 13, 1898.

⁶ *Ibid.*, Oct. 14, 1898.

⁷ *Morning Post*, Oct. 13, 1898.

⁸ *Times*, Oct. 21, 1898.

⁹ *Die Grosse Politik*, vol. XIV, no. 3890.

of Marchand, provided Great Britain (as he intimated) would negotiate on the Bahr-el-Ghazal, in respect of which he laid great weight on the progress of the French occupation.¹ It is not improbable that Delcassé was also influenced by his communications with Russia, three of whose ministers arrived in Paris about the middle of October. Monson had been rather disturbed by this visit, and wondered if Russia would encourage France to take a defiant stand.² It was possibly the turning-point of the crisis. However hard France may have tried to beguile her ally (and that ally's value had long been rather dubious), the moment for a war crisis was certainly not well-timed for Russia, already immersed in her plan of a disarmament conference. At first, it is true, Count Muravieff, the Russian minister of foreign affairs, had apparently tendered Russia's approval of French policy, promising that she would "associate herself with any step that might become necessary in consequence."³ But, on coming to Paris, where even military circles were a prey to political turmoil, Muravieff seems to have advised Delcassé to evacuate Fashoda and try to seek some settlement of the Anglo-French frontier.⁴ Nevertheless, Monson was still ill at ease, and, as late as October 27, he telegraphed Salisbury that he could "state with positive assurance that France can count on more than moral support on the part of Russia in the event of a rupture with England."⁵ Had Delcassé known of this telegram, he might have played his cards with a little more confidence.

But the British cabinet was not greatly troubled by the Russian boggy, for the longer the period of indecision, the smaller the chance of Russia's being able to use her fleets be-

¹ See Monson's letters of October 11, 16 and 21: *Brit. Docs.*, vol. I, nos. 209, 212 and 214. Delcassé asserted that ten posts had been established in the Bahr-el-Ghazal. Cf. Caix, *Fachoda*, pp. 222-23; Rouire, "Omdurman et Fachoda", *Revue géographique*, vol. XLIII, p. 408.

² *Brit. Docs.*, no. 214.

³ *Ibid.*, no. 221.

⁴ *Die Grosse Politik*, vol. XIV, no. 3893; *Brit. Docs.*, vol. I, no. 215; cf. *Memoirs of Count Witte* (Eng. trans.), p. 178.

⁵ *Brit. Docs.*, vol. I, no. 218.

fore winter arrived to erect its barrier of ice. There was little doubt but that British opinion was now well instructed on the points at issue; for members of Parliament from both the great parties were eagerly imparting their convictions, and, while the provincial press seemed, on the whole, less excited than the London organs, the government could hardly complain that its case was not fully presented to the country. The Duke of Devonshire, the first member of the cabinet to give public expression of the government's attitude, paid his respects to the encouragement which it had received from the Opposition, and assured his audience that, while communications had been exchanged with the French government, there was nothing of the nature of a negotiation.¹ If one consults the files of the London journals, one finds—if we except the more conciliatory *Chronicle*—a fairly even tone of approbation. The only really discordant member of the press was the *Manchester Guardian*, which early sought to show that the government's Egyptian policy was nothing but hypocrisy,² and pleaded consistently for some recognition of French claims in the Bahr-el-Ghazal.³ One or two lesser lights in the Liberal ranks ventured to find some flaws in official reasoning,⁴ but it is probable that *Punch's* famous cartoon of the French organ-grinder⁵ had far more influence than all the writings and speeches—and there were not many—that favored conciliation. Nor did the author of the famous "no-trespassing" declaration fail to make an impression when he declared on October 27, "Egypt is the Nile, and the Nile is Egypt." If the head-waters of that river were in the possession of an unfriendly Power, then, in the opinion

¹ *Times*, Oct. 19, 1898.

² "The immorality of the expedition consists of this, that we have used Egypt in this matter merely as a stalking-horse of our own ambitions in the Upper Nile." *Manchester Guardian*, Sept. 10, 1898.

³ *Ibid.*, Oct. 12, 24, 25, etc.

⁴ E. g., speeches of Sir James Courtney and James Bryce, reported in *Times* of October 19 and 21 respectively, and letter of Atherley Jones, *ibid.*, Nov. 2. Sir Robert Reid attacked the Conservatives for going about the country, making inflammatory speeches: *Manchester Guardian*, Oct. 25.

⁵ "John Bull: 'Go away! Go away!' French organ-grinder: 'Eh? What will you give me, if I go?' John Bull: 'I'll give you something if you don't.'"

of Sir Edward Grey, the water, needed in Egypt for irrigation purposes, might be diverted to similar uses in the Sudan.¹ This opinion might, of course, be countered by Courcel's suggestion that the Nile could be given an international status like the Niger,² but recourse to an international settlement would hardly find weight with a nation which had been quarreling with France at every point. "The British nation," said the *Morning Post*, "has set its heart on the Nile Valley from end to end." If the French nation seriously intends to interfere with the fulfilment of that British purpose, the queen's subjects will accept the sacrifices necessary to make it good. There is nowhere any inclination to compromise in this matter."³ This placing the matter on the basis of patriotic longing was probably putting the emphasis where it belonged.

Meanwhile, the store of British patience was beginning perceptibly to ebb. On the 19th, the chancellor of the exchequer had gone beyond any statement hitherto uttered by a member of the cabinet, and declared that, while he hoped for an amicable solution, "this country has put its foot down. If, unhappily, another view should be taken elsewhere," he added, "we, the ministers of the queen, know what our duty demands."⁴ Under-secretary Sanderson told the German ambassador that public opinion would not countenance any yielding;⁵ and, looking at the situation from across the Channel, the veteran diplomat, Blowitz, remarked that he had never known in England an example of such intense national anger over an affair of foreign policy.⁶ None of the papers wrote as if war were imminent, but the stock market was more affected than at any time during the crisis, and on October 25 consols fell to

¹ *Times*, Oct. 28. A British traveler, who had been with Gordon in 1878, declared such a suggestion preposterous, as the volume of water was too immense to make such diversion possible, as long as Great Britain continued to hold the point where the Nile left Lake Victoria: *Morning Post*, Sept. 14, 1898, p. 4.

² *Livre jaune*, no. 30.

³ *Morning Post*, Oct. 25, 1898.

⁴ *Times*, Oct. 20, 1898.

⁵ *Die Grosse Politik*, vol. XIV, no. 3895.

⁶ *Matin*, Oct. 22, 1898.

107.¹ As if war were really within perceptible range, the British dockyards bristled with activity, and the navy was put in readiness to act at the shortest notice. It is not improbable that the cabinet was counting on this turn of the screw, as it were, to bring France to terms, though a French response in kind was certainly not lessening the tension. But the best omen for peace at this moment was the domestic plight of the Brisson ministry. On the 24th, all Paris was talking of the demonstration which the anti-Dreyfusards were planning for the morrow; and on the same day the foreign editor of the *Temps* hazarded the statement that "it is the settled intention of the French government, with the perfect assent of the French people, to evacuate Fashoda."² The next day, the ministry crashed to its downfall.³ Certainly, with so much confusion in Paris, there was no purpose in coming to an ultimatum as yet.

Already, before the ministerial crisis at Paris, Salisbury had issued a summons for a meeting of the cabinet for October 27.⁴ Whether this step occasioned the French ambassador's hasty visit to Paris, we cannot say; nor have we knowledge of what passed between Courcel and Delcassé. On the 24th the ambassador was back in London,⁵ and the next day he requested an interview with Salisbury, who declined to see him until after the meeting of the cabinet—much to the disappointment of the ambassador, who seemed to fear that an ultimatum was contemplated.⁶ Of the decision of the cabinet we can only judge by the account which Salisbury wrote Monson of his conversation with Courcel on the afternoon of the same day. "I intimated to him," wrote Salisbury, "that, so long as M. Marchand floated the French flag at Fashoda, any discussion between the English and French governments upon frontier question [*sic*] in that

¹ *Times*, Oct. 26, 1898.

² M. Pressensé's letter was addressed to and published in the *Daily Chronicle*, Oct. 26.

³ It was remarked that there was no mention of the crisis with England in the affray which led to the ministry's downfall: *Westminster Gazette*, Oct. 26.

⁴ *Manchester Guardian*, Oct. 21, 1898.

⁵ *Die Grosse Politik*, vol. XIV, no. 3899.

⁶ *Brit. Docs.*, vol. I, no. 216.

region was impossible. . . . He [Courcel] thought it . . . not improbable that M. Marchand would receive orders to retire. . . . If M. Marchand [Salisbury continued to Monson] should receive the orders the French ambassador had indicated, the obstacle to a discussion of the frontier would be removed."¹ The decision of the cabinet was, therefore, no more than a confirmation of the stand which the government had taken all along, except that, for the first time, it showed a willingness to look forward to a settlement of the frontier. More significant is the assertion of Courcel that Marchand might be ordered to retire; and, in view of this admission, it is difficult at first to see what Delcassé had to gain by threatening to resign, if France were not assured an outlet on the Nile.² Perhaps it may be conjectured that he wanted to remind Monson of his earlier statement that a successor would in all likelihood prove less tractable;³ whereas Courcel, who had had a possible emergency to face, may well have been instructed to avoid an ultimatum at all costs. In any event, public opinion had to wait a few days more in order to learn what was brewing, though the tension seemed rather lessened. "It is satisfactory to notice on all sides," wrote the *Daily Chronicle*, the day after the meeting of the cabinet, "that the outlook has become distinctly brighter in the last forty-eight hours."⁴

In Paris, of course, decision had to await the formation of the new cabinet, which task was finally completed on the 31st. Whether Delcassé would be retained as minister of foreign affairs was, for a time, a matter of doubt. He was reported to have said that he would not remain, if it meant evacuation of Fashoda.⁵ Yet, a few days later, he accepted the same office in the Dupuy ministry, and seems to have been the actual one to advise the withdrawal of Marchand.⁶ The resolution was

¹ *Brit. Docs.*, vol. I, no. 223.

² *Ibid.*, nos. 221 and 222.

³ *Ibid.*, no. 209.

⁴ *Morning Chronicle*, Oct. 28, 1898.

⁵ *Die Grosse Politik*, vol. XIV, no. 3901.

⁶ *Ibid.*, no. 3902.

adopted by a meeting of the French cabinet on November 3, and the British government was duly informed that Fashoda would be evacuated with the least possible delay.¹ On November 4 Salisbury announced in a speech at the Mansion House that the French had yielded.²

The news of victory on the immediate point of contention was accepted calmly by the British press, and some journals even felt that the rancor which France must harbor as a result, would make the victory itself of somewhat doubtful value.³ Only the *Spectator* refused to see light ahead: "She is a Power with feminine impulses and a man's strength, and infinitely difficult to deal with. . . . We suppose we must fight in the end, but let her begin it."⁴ No doubt, there were Gallophobes in England, who regretted the loss of an opportunity to humble the traditional enemy, but the correspondent of the *Matin* testified to the fact that "*la masse de l'opinion publique qui d'ailleurs n'a jamais cessé d'être calme, n'a témoigné contre la France aucun sentiment hostile ni aucune aigreur.*"⁵ "We had recently to consider the question of a European war," declared the premier at a banquet on November 9, "not, I will say, from a very near distance, but, at all events, with great anxiety and consideration. The result has turned out happily. At one moment it seemed possible that it might be otherwise."⁶ Possibly the most discontented with the outcome was the German Emperor, who had vainly tried to stir the Tsar into some action, and deplored France's surrender to "British greed".⁷

In France the decision to recall Marchand was viewed with mingled feelings. The veteran economist, Leroy-Beaulieu, affirmed that the upper Nile valley was too advanced a position

¹ *Brit. Docs.*, vol. I, no. 226.

² *Times*, Nov. 5, 1898.

³ "Our drop of triumph," declared the *Glasgow Herald* (Nov. 7), "has lost us the good will and friendship of France"; cf. *Manchester Guardian*, Nov. 7.

⁴ *Spectator*, Nov. 5, 1898.

⁵ *Matin*, Nov. 9, 1898.

⁶ *Times*, Nov. 10, 1898.

⁷ *Die Grosse Politik*, vol. XIV, no. 3913.

to supply with provisions or to hold with safety;¹ and the semi-official *Matin* reminded its readers that national honor was never at stake in a colonial enterprise.² Yet, there is little doubt but that much soreness existed over so abrupt a *volte-face*, and most of the Paris journals made much of the continued naval preparations of the British and their probable intention of goading France into war.

It is somewhat difficult to understand why Great Britain continued to arm, as though war were still probable. It was officially denied that the naval reserves had been called out,³ and the premier explained that preparations, once begun, could not be stopped in a moment.⁴ Sir Thomas Barclay, who tells us that war had been much nearer than people realized, implies that British preparations slowed down when Marchand was recalled,⁵ and such may well have been the case. But there was much speculation among the embassies; and the German ambassador, who steadily refused to note any change for the better, persisted in his belief that Great Britain was secretly plotting war.⁶ Salisbury, when questioned on the matter, denied any significance in these proceedings, and said that they were determined by naval policy a whole year before the Fashoda crisis.⁷ But it is very doubtful if this is more than a fraction of the truth; and it is not improbable that the British cabinet was trying in this indirect way to persuade France that the mere evacuation of Fashoda was not the only concession required, since the Bahr-el-Ghazal, which the *Times* declared was "as much Egyptian territory as the place from which the French are retiring",⁸ was still the actual stake in the conflict. Certainly, there was not much subtlety in British diplomacy at

¹ *Journal des débats*, Nov. 7, 1898.

² *Matin*, Nov. 4, 1898.

³ *Daily Chronicle*, Nov. 1, 1898.

⁴ *Times*, Nov. 10, 1898.

⁵ Barclay, *Thirty Years*, p. 145.

⁶ *Die Grosse Politik*, vol. XIV, nos. 3909 and 3923.

⁷ *Ibid.*, no. 3925.

⁸ *Times*, Nov. 7, 1898.

this juncture. The speech of Monson on December 6 to the British chamber of commerce in Paris¹ could hardly have been better calculated to wound French feelings. Even as late as the opening of the new year, reports of British military and naval preparations continued to harass the French public;² and, when we consider that a war with Great Britain would have been fought chiefly on the seas, it is not astonishing that France, in her isolation at that time, should have quailed at the possibility.

It now remained to be seen whether Great Britain would allow France any satisfaction to cover her retreat. "To refuse to yield a single mile of swamp is magnificent," wrote the *Daily Chronicle*, "but it is not business."³ Yet few journals went so far as to urge a division of the spoil; and, while the chancellor of the exchequer announced publicly that Great Britain was ready to negotiate a convention of delimitation, the general tone of his and Chamberlain's speeches was none too friendly.⁴ Furthermore, the publication of a British blue-book full of complaints of French agents in Madagascar did not fail to prove a new source of irritation,⁵ and might well be considered symptomatic of the cabinet's mood. Happily, Delcassé was not to be deterred from an effort to come to terms. While he was still not averse to using diplomacy as a club—on December 8 he hinted to Monson that he had hopes of Germany's support in event of war⁶—he finally came to the point of a direct overture to Great Britain. On January 10,

¹ *Ibid.*, Dec. 7 (quoted in part in Stuart, *French Foreign Policy from Fashoda to Serajevo*, p. 28).

² *Die Grosse Politik*, vol. XIV, no. 3927.

³ *Daily Chronicle*, Oct. 28, 1898. The *Manchester Guardian* (Oct. 24) even favored granting territorial access to the Nile.

⁴ *Times*, Nov. 24 and Dec. 9. Campbell-Bannerman, the new leader of the Liberals, accused Hicks-Beach of "swashbuckling". It is evident that the Liberals were beginning to tire of "jingoism".

⁵ *Die Grosse Politik*, vol. XIV, no. 3928.

⁶ *Brit. Docs.*, vol. I, no. 28. Monson believed that France had been paying court to Germany (*cf. Die Grosse Politik*, vol. XIV, no. 3928) and that Germany was trying to "keep up the panic in France": *Brit. Docs.*, vol. I, no. 243.

1899, Paul Cambon, lately appointed French ambassador to London, opened a discussion of pending questions with Salisbury—not, as he explained, in accordance with instructions, but with the assumption that the premier would be willing to discuss the matter. Salisbury noted that his manner was “exceedingly conciliatory”, and that he seemed (when the Premier stood firm on the question of the Bahr-el-Ghazal) to “indicate that the French government had abandoned the idea that their flag should float in any part of the valley of the Nile.”¹ Judging from the weeks that passed without appreciably nearing decision, it may be true that Salisbury told the German ambassador that the negotiation was not prospering;² but, by the middle of February, the premier was diligently pouring over a map of Africa with Cambon,³ and a month later the French ambassador made (apparently) his last—but ineffectual—stand for a foothold in the Bahr-el-Ghazal.⁴ A visit of the queen to Nice (even though the citizens were said to be cold in their greetings⁵) was perhaps a good omen, seeing that tourists had been wary of the Riviera during the winter;⁶ and even the quarrel over Muscat⁷ failed to check the progress of an understanding in London. At last, on March 21, a convention was concluded, which fixed the boundary between the French and British spheres in Central Africa, and awarded to Great Britain the whole of the Bahr-el-Ghazal. Having given up the “point of honor”, it was not so difficult for France to yield most of the tangible advantages.

The convention of 1899 was, of course, not an adjustment of all the existing difficulties which contained the germs of war. There was no mention of Great Britain's position in Egypt, which might still remain a subject for bickering or bargain.

¹ *Brit. Docs.*, vol. I, no. 240.

² *Die Grosse Politik*, vol. XIV, no. 3930.

³ *Brit. Docs.*, vol. I, no. 244.

⁴ *Ibid.*, no. 245.

⁵ *Die Grosse Politik*, vol. XIV, no. 3940.

⁶ *Ibid.*, no. 3926.

⁷ See Lémonon, *L'Europe et la politique britannique*, pp. 138, 39.

"We must never despair," Marchand is quoted as saying. "Who can say that the Sphinx may not be about to smile?"¹ But, whatever the future might ordain, Delcassé was satisfied, as he told the Senate, that the Bahr-el-Ghazal was not worth a war;² and there was probably much more that he could have said, had he cared to reveal his fixed intentions. It is hardly to be denied that the French diplomat had fought rather obstinately to enforce his country's claims, but, having finally decided that the trumps were in British hands, he proposed to pin his faith on a new shuffle of the cards. The result was to be the Entente Cordiale.

Looking back upon the factors which produced the outcome of the Fashoda crisis, one may almost agree with Joseph Chamberlain that it was "as much due to the spectacle of a united nation . . . as it was to those military and naval armaments about which the foreign press talks so much and knows so little."³ The obstinacy with which most public men and reputable journals upheld the cabinet not only strengthened Salisbury's resolution to insist upon Marchand's recall, but enabled Chamberlain and the so-called "War Party" to hold out against any concession whatever in the valley of the Nile. In the face of such determination, French opinion seemed vacillating and spiritless. "Neither the French government, nor the French people," remarked the *Manchester Guardian*, "is, it seems to us, so anxious for the possession of Fashoda as the English, and the stronger will is usually the one to prevail."⁴ Nevertheless, if France had not been so engulfed in the Dreyfus affair—a distraction which had produced a cabinet upheaval

¹ Quoted in *Times*, Nov. 16, 1898, p. 5.

² Stuart, *op. cit.*, p. 31. According to the German ambassador at Paris, Delcassé told Muravieff that he was so little inclined to push an African policy that he not only let Fashoda go, but doubted if he would raise a finger if Great Britain declared a protectorate over Egypt: *Die Grosse Politik*, vol. XIV, no. 3924. There had been some belief in French circles that that had been the object of the British arming.

³ *Times*, Nov. 16, 1898.

⁴ *Manchester Guardian*, Oct. 12, 1898. "Fortunately for the French and for the world, the colonial party has by no means so strong a hold in France as in England": *ibid.*, Nov. 8.

at a critical moment—one cannot but wonder if the result might not have been different. Judging from what we know of the Gallic temperament, there had been grounds for fearing war, notwithstanding the *bon mot* of a British speaker: "It is the first war scare in which nobody has been frightened." ¹

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¹The speaker was Sir Nowell Salmon, quoted by Chamberlain in his speech, referred to above.

COLONEL HOUSE'S STORY¹

WHEN the first two volumes of the House Papers were published in 1926, they were criticized by some reviewers as unduly emphasizing the influence of Colonel House in the Wilson administration, at the expense of the President's own initiative and responsibility. The figure of the President, it was said, was rather nebulous as compared with the clearly etched features of the Colonel. Outlines of policy, drafts of papers, advice as to the proper time and subject of speeches, all seemed to come from the quiet mentor, while the President's part consisted largely in expressions of gratitude and acquiescence, more or less qualified. Moreover, the volumes failed to show to what extent the advice or criticism of hundreds of other associates of the President, official and unofficial, influenced his policy. These strictures would undoubtedly find much justification if Professor Seymour had put forth his volumes as a history of the Wilson administration. But he is explicit in his disclaimer of any such purpose. The volumes are only, as he modestly says, "the raw material for history", a contribution, like Tumulty's, Houston's, Lansing's or Daniels' (though the immense superiority and serviceableness of them to these and most other memoirs of the administration are evident to any student), to the definitive story of the administration. If Colonel House is the central figure of the volume, it is not because of any desire to make him overshadow the President, but quite naturally because the work is based on the House Papers. And if the figure of the President seems a bit distant and nebulous in the narrative, we must remember that, not having the permission to publish the letters from Wilson to House textually, Professor Seymour was reduced to the necessity of matching the *ipsissima verba* of Colonel House's messages to the President with only paraphrases and "the gist" of the President's replies to him.

In the first volume of his work Professor Seymour gives a list (pp. xiii-xviii) of about 2000 letters and telegrams from Wilson to

¹ *The Intimate Papers of Colonel House. Arranged as a Narrative.* By CHARLES SEYMOUR. Vols. III (*Into the World War*) and IV (*The Ending of the War*). Boston, Houghton, Mifflin Company, 1928.—xviii, 453; xii, 552 pp. \$10.00.

House, covering the period from October, 1911, to March, 1917, which he has "utilized" but not been allowed to reproduce. This material is equally, or even more, abundant for the period 1917-1919, covered in the last two volumes of the work, as the frequent paraphrases of the Wilson correspondence (cited in footnotes as simply "Wilson to House", with the date) show. Just how much the President suffers in respect to sharpness of outline by this procedure, for which, of course Professor Seymour and Colonel House are in no way to blame, we shall not know until Mr. Ray Stannard Baker, who is now at work on the "official" biography of Wilson, with authorization to print his correspondence, shall give us the full text of such letters, telegrams and cablegrams of the President as he sees fit. Probably it will not change the picture very much, for Mr. Wilson, while a consummate orator and essayist, was not an enthusiastic correspondent, like Theodore Roosevelt and Walter H. Page. His letters are rather brief and pragmatic. He liked to share his ideals and theories with a larger audience.

One could scarcely overpraise the skill with which Professor Seymour has woven a narrative which moves forward with coherence, logical sequence and undiminished interest, out of the vast mass of material deposited in the library of Yale University by Colonel House. The Diary alone, carefully composed with Miss Denton's invaluable assistance at the close of each day's exacting labors in correspondence and interviews, contains more than 2000 pages. The correspondence itself, says Professor Seymour, "would fill several volumes". To select and combine the pertinent passages from this wealth of documents and to supply the connective tissue of events to bind them into a unified historical narrative has been an exacting task, whose difficulty is not obscured, for historical students at least, by the art with which it has been accomplished.

The constant collaboration of Colonel House with Professor Seymour in the choice of material and the revision of the manuscript makes it fairly certain that we have as complete a story of the Colonel's activities as if he had written the volumes himself as memoirs. Still one has the feeling that not all has been told that might have been told. For example, one would not gather from Professor Seymour's account of the important controversy with Italy over Fiume in April, 1919 (vol. IV, chap. xii), that it had any effect upon the relations between Colonel House and the President. Yet there are some men who were intimately concerned in this con-

troversy who maintain that it was the main cause of the altered relations between the President and his adviser, and newspaper correspondents in Paris spoke thereafter to one another of "the passing of the third floor front" (the Colonel's apartment in the Crillon). Professor Seymour was one of the experts who sent a letter to the President in April, 1919, supporting his refusal to give in to the Italian demand for the control of the eastern shore of the Adriatic. Mr. H. Wickham Steed gives the impression that Colonel House was in favor of compromising the matter (*Through Thirty Years*, vol. II, pp. 327 *et seq.*). Professor Seymour might have told us (the Colonel being willing) the whole amount of truth or falsehood in these representations. He might have told us, too, the whole story of the effect of Mr. Steed's article of February 13, 1919, in the Paris *Daily Mail*, which, according to Steed (vol. II, pp. 282-4), "worried" the Colonel and got him, as he himself put it, "in a very bad hole", because he thought that it would be impossible to persuade the President that he had not inspired the article, which seemed to contain a criticism of the President's "too unworldly" idea of the League of Nations. Seymour prints Steed's article (vol. IV, pp. 307-8) and concedes that it was directed (in part) "at Wilson's unwillingness to compromise"; but he makes no mention of its having caused any uneasiness in Colonel House or contributed in any way to disturb the cordial relations between him and the President.

On a subject of major importance for judging not only the policy but also the character of President Wilson, the *Intimate Papers* are very disappointing. That is the question of the President's knowledge, before he went to Paris in December, 1918, of the secret treaties for the division of the spoils of war, which the Allies had made with Italy, Rumania, Russia and Japan. When President Wilson returned from the Peace Conference and the Treaty of Versailles was in the hands of the Senate Committee on Foreign Relations, he invited the members of that committee to the White House for a conference (August 19, 1919). Senator Henry Cabot Lodge, the chairman of the committee, published in Appendix IV (pp. 297-379) of his *The Senate and the League of Nations* (Scribner's, 1925) a full stenographic report of the conference. Senator Borah asked the President whether his knowledge of the secret treaties came after he reached Paris, and the President's reply was: "Yes, the whole series of understandings were disclosed to me

for the first time then". A few minutes later Senator Hiram Johnson returned to the point, mentioning specifically the treaties with Italy and Rumania, and asking: "Then none of these did we (and when I say 'we' I mean you, Mr. President) have any knowledge of prior to the Conference at Paris." To which the President replied: "No, sir, I can confidently answer that 'No' in regard to myself".

Now the volumes before us make it abundantly evident (vol. III, pp. 51, 61, 282, 317, 322, 346; vol. IV, pp. 134, 135, 145, 153, 168, 175) that the President knew of these treaties before he went to Paris. Seymour says (vol. I, p. 443, n.): "On April 30, 1917, Mr. Balfour explained the details of the treaty [of London with Italy] to President Wilson". And Balfour himself not only stated in the House of Commons that he "had no secrets from Wilson", but wrote to Wilson in January, 1918, commenting on the Treaty of London, "which Wiseman said was disturbing Wilson"; and again in a letter to House of July 17, 1922 (vol. IV, p. 364) Balfour says: "He"—meaning Mr. R. S. Baker, whose *Woodrow Wilson and World Settlement* had just begun to appear in serial form in *The New York Times*—"was certainly wrong in his statement that Mr. Wilson was kept in ignorance by me of the secret treaties, an error which I feel the more acutely because it is a calumny which, if I remember rightly, I have already publicly contradicted." In view of these facts Professor Seymour says (vol. III, p. 61): "It is difficult to reconcile this statement [of President Wilson before the Senate Committee] with the available evidence."

If Professor Seymour had left the matter there, every historian would have agreed with him. But, unfortunately, he devotes a note two pages long to the effort to reconcile the unreconcilable. He suggests that the President may have confused the Treaty of London (which he knew of) with the agreement with Japan over Shantung (which he did not know of until he reached Paris). But Senator Johnson separated the two carefully in his question. Seymour also suggests that, "following the turmoil of the Conference", the treaties may have been "crowded out of his mind by the influx of an astounding amount of detail", and thus he may have failed to recollect the date of his knowledge of the treaties when "several years later" he was questioned about it. But August, 1919, is hardly "several years later" than April, 1917, when Balfour discussed the Treaty of London with the President. Finally,

Seymour reminds us that the President's interview with the Senate Committee occurred "barely a month before his complete physical and nervous collapse." True, but during that month, in his speeches made on the visit to the Pacific coast, the President gave no indication of such mental weakness as would explain his forgetting his concern over the treaties before he left America for the Peace Conference.

Colonel House himself hardly improves the case for Wilson when he adds to Seymour's labored apologetic the sentence: "There was no man living at that time who had more varied information and misinformation brought to him than President Wilson. How could he on the spur of the moment know when he first heard of this or that?" But surely the Colonel would not include under "varied information and misinformation" the intimate conversation of April 30, 1917, at the White House between himself, Balfour and the President, in which "the ground covered was exactly the same as Balfour and I had covered in our conference Saturday"—i. e. the discussion of the secret treaties "over a large map of Europe and Asia Minor" (vol. III, pp. 43, 48). And finally, when the Colonel adds: "There are those who believe the President laid too little stress upon the treaties and that he should have had some understanding with the Allies regarding them before he committed the United States to war" (vol. III, p. 62), does he not surrender the whole case? For the President could hardly have had an understanding about a subject of which he had no knowledge. Decidedly, Professor Seymour would have done better leaving out all of his long apologetic note except the first sentence.

Perhaps the most valuable contribution that the *Intimate Papers* make to the history of the Peace Conference is the material adduced (vol. IV, pp. 363-376, and corroborated by the recent work of David Hunter Miller on *The Drafting of the Covenant*) to refute the widespread legend that as soon as President Wilson left Paris in the middle of February, 1919, for his short visit to the United States, the Conference set to work to "sidetrack" the League of Nations and conclude a hasty preliminary peace with Germany. Professor W. E. Dodd, in an article in *The New York Times Magazine* Section, on the decennial of the Armistice, says: "In Paris Colonel House was promising that the League might be sidetracked." Mr. R. S. Baker, in his *Woodrow Wilson and World Settlement* (vol. II, p. 47), writes: "The Colonel would make peace

quickly by giving the greedy ones all they want. He sides with those who desire a swift peace on any terms. The President struggles almost alone to secure some constructive result out of the general ruin." Professor Seymour shows that there was no such "plot to betray Wilson." Not only was Colonel House an enthusiastic advocate of the League through thick and thin, furnishing the President with the articles which formed the basis of his Washington draft in the summer of 1918, and urging the President in Paris to "put his back under the League and make it his main effort during the Conference"; but during Wilson's absence in America, House kept in touch with him daily, reporting what the Council was doing on the subjects of reparations and boundaries. The President expressed his general approval of the activities reported, and, in fact, had invited the Council to proceed as it did by requesting that work on the economic and territorial articles of the treaty be not "held up" during his "unavoidable absence" in America. If Colonel House and his associates on the Council of Ten ceased to discuss the Covenant of the League of Nations when President Wilson left Paris, it was quite naturally because the Covenant had already been completed by the committee of nineteen (with the understanding that it was to be the first article of the treaty) and had been presented to the plenary session of the Conference by President Wilson on the eve of his departure for America. Mr. Balfour confirms this refutation of the legend of the "betrayal" of Wilson in an important Memorandum prepared from the papers of the British Foreign Office in 1922, which he gave Colonel House permission to publish in 1927 (vol. IV, pp. 364 *et seq.*).

The volumes give proof in many a passage from the Colonel's Diary that, in spite of the unparalleled devotion and confidence of what Sir Horace Plunkett called "the strangest and most fruitful personal alliance in human history", there were important points on which the President and his "second personality" (the phrase is Wilson's) differed. "To my mind, the President has never appreciated the importance of our foreign policy", wrote House in June, 1915. After the sinking of the *Lusitania*, House, in London, notes in his Diary: "I have concluded that war with Germany is inevitable and I have decided to go home . . . to help the President fight the war with spirit." He "strongly urged" the unwilling President to increase the army in the early months of the war, and wrote to Seymour in April, 1925: "The United States might have

changed the course of history if we had armed to the teeth in the beginning of the war and waited for the proper opportunity to intervene" (vol. II, p. 83). He was in favor of dismissing Bernstorff when the *Arabic* was sunk in August, 1915, and again when the *Sussex* was torpedoed in March, 1916. He wanted the President to break off relations with Austria when the *Ancona* was torpedoed in the Mediterranean, in November, 1915. He disapproved of the President's appeal for the election of only Democrats to Congress in the autumn of 1918, and regretted that he had not advised Wilson against such a step before he himself sailed for Europe a few days prior to the appeal. He wanted the President to appoint some influential Republican as a member of the Peace Commission, and pleaded with the President to treat the Senate with conciliatory prudence. He even favored accepting the Lodge reservations to the Covenant for the sake of getting the Treaty of Versailles ratified. When there was some prospect in 1915 and 1916 that we might as a neutral nation participate in a peace conference, he was in favor of Wilson's going to Europe to preside over it; but he disapproved (though from his own position at Paris he could not with propriety advise against) Wilson's attending the Conference in 1919. "It may be," he wrote in his Diary the day after the signing of the Treaty of Versailles, which he regarded as a very poor settlement, "that Wilson might have had the power and influence [to secure a better peace] if he had remained in Washington and kept clear of the Conference. When he stepped from his lofty pedestal and wrangled with the representatives of the other states upon equal terms, he became as common clay" (vol. IV, p. 488).

However, none of these differences, nor all of them together, would suffice to account for the final severance of the intimate friendship between the President and Colonel House. It is a question which everybody would like to have answered, perhaps no one more than Colonel House himself. When the two men parted at Paris at the end of June, 1919, their cordial relations seemed unimpaired. The Colonel sent word to Wilson from London of rumors of a breach between them, and the President cabled in reply (August 29): "Am deeply distressed by malicious story about break between us and thank you for the whole message about it. The best way to treat it is with silent contempt" (vol. IV, p. 515). Four days later the President left the capital for his western trip, and was brought back to Washington a broken man. As late as November, 1920, he wrote

to House, but in a rather brief and formal manner, omitting the "affectionately yours" from the subscription. But the Colonel was not invited to the White House, and his two letters of advice to the President on the handling of the Treaty with the Senators went unanswered. The men never saw each other again after their goodby in Paris. Professor Seymour's request for an explanation of the mystery in the spring of 1928 brought from Colonel House a dignified and touching reply, in which he affirmed his unchanged and unchanging devotion to the memory of Woodrow Wilson and spoke of the sudden severance of their confidential relationship as a secret which lies forever buried in the President's grave. To indulge a speculative curiosity on the subject after this final word from Colonel House would seem to be trespassing on sacred ground.

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RECENT LITERATURE ON MODERN CONSTITUTIONS¹

Political science concerns itself with the life of men in relation to organized states. . . . We have not only to define aims. We have to discover both the institutions through which those aims are likely to be realized, and the methods by which they are to work. Do we need, for instance, a parliamentary system? Does the latter require, if it is to realize its best results, a highly trained and non-elective civil service behind it to supply the *expertise* in which the general competence of an elected person is almost certain to be deficient? We have, to generalize, two sets of problems before us, those, in the convenient German terminology of *Staatslehre*, and those of *Politik*. We cannot separate them with any precision, for the simple reason that any *Staatslehre*, however independent it may seem, is, in fact, a generalization from the environment and experience of those who make it . . .

If this is the context and scope of politics, how is it to be most fruitfully studied in order that conclusions of value may be reached? I stand here to plead for the study of politics in the terms of history, to know how our traditions and institutions have been moulded, to grasp the policy of the forces by which their destiny has been shaped—that, I am anxious to persuade you, is above all the key to their understanding.

SEVERAL recent volumes attempt to study politics in this fashion. Their authors would not challenge the principles set forth in the eloquent and suggestive inaugural lecture which Mr. Laski delivered as Professor of Political Science in the University of London. *Politik* and *Staatslehre* are not formally

¹ *On the Study of Politics*. By Harold J. Laski. Oxford, Oxford University Press, 1926. 27 pp.

Éléments de droit constitutionnel: français et comparé. By A. Esmein. 8th ed. revised by Henry Nézard. Paris, Recueil Sirey. Vol. I, *La Liberté moderne: Principes et institutions*, 1927, xliii, 648 pp.; Vol. II, *Le Droit constitutionnel de la République française*, 1928, xv, 725 pp.

The Mechanism of the Modern State, A Treatise on the Science and Art of Government. By Sir John A. R. Marriott. Oxford, The Clarendon Press, 1927. 2 vols. xxiv, 596; xii, 596 pp.

Second Chambers, An Inductive Study in Political Science. By Sir John A. R. Marriott. Oxford, The Clarendon Press, 1927. viii, 250 pp.

The New Democratic Constitutions of Europe. By Agnes Headlam-Morley. Oxford, Oxford University Press, 1928. viii, 298 pp.

Les Constitutions de L'Europe Nouvelle. By B. Mirkine-Guetzevitch. Paris, Librairie Delagrave, 1928. 412 pp.

separated. Institutions are considered in the terms of history. Attempts are made to get at the theories underlying particular constitutional arrangements and to discover how those arrangements actually work. The authors seek to "codify the results of experience in the history of states."

These recent volumes deal with governmental institutions horizontally rather than vertically. They are not, that is to say, confined to the institutions of a single state. This is as it should be, for the practical problems of organization and function which confront modern governments have many phases in common. The different states of the modern world have attempted to solve these problems in different ways. Political institutions may have identical parents, but some may now seem to be ugly ducklings; or quite different in origin, the institutions may at the present time show striking kinship. Problems cut across several governments. The powers of the titular executive in Germany, for example, can hardly be appreciated without a consideration of cognate problems in France and indeed in England, which, method of choice and permanence aside, furnished the model for the French presidency. It is much easier for a writer to concentrate on a single political system, but if he does the lessons taught are blunt and indecisive. Comparative treatment may occasionally be devious and dangerous, but it is much more alluring and useful. It is essential to the ascertainment of knowledge that will justify proposals of readjustments in governmental machines. It provides the only gauge by which smoothness of operation may be estimated.

The eighth edition of the monumental work of the late Professor Esmein is probably the most useful single treatise on modern governments. "Monumental" is not too strong a word to use. When Professor Esmein published his first edition thirty years ago, he broke new ground. Since that time successive editions (the last three by Professor Esmein's colleagues) have added a wealth of detail. The footnote references to monographs, periodical literature and public documents furnish a fairly complete bibliography of comparative government. The treatise, however, is far more than an encyclopædia. It rarely contents itself with mere description. Many pages are devoted to *Politik*.

M. Nézard has left Professor Esmein's text unchanged. The editor's qualifications and additions are put in brackets. Thus, for example, you have M. Esmein's discussion of the manner in which

the irresponsible French president has been held responsible—the Macmahon, Grévy, and Casimir-Périer incidents—and M. Nézard's comments on Millerand's forced resignation. Similarly, Professor Esmein's arguments on matters concerning which he adopted rather original views—e. g., the inability of the French Senate to hold a ministry responsible—are left as they were originally written. This preservation of the first text leaves untouched some rather refined passages which have little interest for students other than the French constitutional lawyers who engage in endless debates on such points; but this is a small price to pay for the continued accessibility of Professor Esmein's luminous opinions. In short, the Esmein volumes are an extremely useful and entirely satisfactory treatment of governmental theory and of the manner in which different systems adhere to or depart from the theory.

Macaulay once suggested that he would sooner expect a great original work on political science from an apothecary in a country town than from a member of the House of Commons. Macaulay, to be sure, specified a statesman who "ever since he was one and twenty had been a distinguished debater in the House of Commons." That classification does not apply to Sir John Marriott, who has served in the House (with one interregnum) only since 1917. Nor would the general caveat be necessary, since Sir John Marriott has already published an impressively long list of books, and is a regular and prolific contributor to the more solid English reviews. To the task of this treatise he brings, therefore, exceptional qualifications: ample historical learning, academic experience as a Fellow, Lecturer and Tutor in modern historical subjects and political science at Worcester College, Oxford, and service in Parliament. As he says in his preface, the present work "is an attempt to epitomize the work of a life which has been consistently devoted to 'politics'. . . . This book represents a portion of my personal contribution, both to Science and to Service." The publisher goes further and declares that "Sir John Marriott is at once the most learned of politicians and the most politically minded, in the classical sense, of historians."

The two volumes on the mechanism of the modern state are not a great work. They will add little to the author's reputation. It is difficult to see that experience in the House of Commons has made his pages ripe with any particular insight. Indeed, one cannot escape the conviction that this "treatise" would have been better if Sir John Marriott had not contributed to "Service", for he might

then have had more time to fill in gaps, eliminate inaccuracies, familiarize himself with constitutional developments during the last ten years in systems other than the English, and to excogitate opinions which as a politician he considered it wise to keep tentative.

Sir John Marriott says in his preface that he has drawn heavily on some of his previous books, and on contributions which he has made to the quarterly and monthly reviews. This would be evident without his explicit statement. The "facts" which some pages set forth disclose the dates of composition; the emphasis which other pages give to events or literature indicates their journalistic origin. Some sections are hardly relevant to modern constitutions. This historical matter is included because Sir John Marriott has evidently lectured upon such subjects at Oxford for many years. Some of this material had already appeared in the author's admirable book on English political institutions. There it was quite in point, but why should it be reprinted in a treatise on the modern state? The chapter on Swiss federalism relies largely upon Bonjour's *Real Democracy in Operation*—a book which had just been translated when Sir John Marriott wrote his article for the *Edinburgh Review* eight years ago. That article, with insufficient revision, is the basis of the chapter on the Swiss governmental system. Figures on the Swiss initiative and referendum have been brought up to 1925, but there is no detailed information later than 1920. This is unfortunate—doubly so, for Sir John Marriott is thereby led to state later in his volumes, that "Switzerland—one of the most conservative of democracies—has made no change since the War" in respect of the conduct of foreign affairs. By constitutional amendment adopted in 1921 Switzerland may have a referendum on certain treaties. One such referendum on the Franco-Swiss free zones dispute has had important international repercussions.

In a footnote the author records the fact that an amendment to the American Constitution permits women to vote, but apparently thinks that there are twenty amendments. His discussion of financial procedure in the United States takes no account of the changes under the Budget and Accounting Act of 1921 and the concentration of responsibility in single committees of the House and the Senate. Little is said about post-war constitution-making in Europe. There is an ample discussion of the federal system of pre-war Germany, but little on the constitution of the German Reich. Scant mention is made of the constitutions of the German Länder,

which from the standpoint of the mechanism of the modern state are of considerable importance. Had the post-war constitutions been analyzed, Sir John Marriott would have been unable to insist so readily on his antithesis between the parliamentary system of Great Britain and the Swiss and American systems. For the fact of the matter is that in the modern political institutions of Europe are the seeds, if not the full-blown plants, of new forms of cabinet government. Some of these systems dispense with the titular executive. Some confer on the titular executive larger authority than he has in England or in France. Some mix individual and collective ministerial responsibility. Some set up special devices to prevent cabinet responsibility from meaning that the executive must live from day to day under the shadow of instant and unexpected dismissal by the legislature.

Indeed, it is with reference to this matter of cabinet government that the author is probably weakest. He gives many pages to the development of cabinet government to its modern form, but is not very informing on the problems which now clamor for consideration. The complaint is frequently made that the House of Commons is completely under the dominance of the cabinet. Sir John Marriott pays some attention to this criticism. Various proposals of reform have been made. To these Sir John Marriott pays scant attention. Continental systems have a different problem. They have been seeking a workable device to protect a cabinet against legislative caprice. Constitutional provisions inviting a cabinet to stay in office unless a formal vote of lack of confidence is passed by a majority of the members of the legislature, may furnish means of permitting the legislature greater freedom than it now has under the British system, while at the same time safeguarding its power to dismiss a cabinet which has really lost its confidence. Such devices, whether they are in constitutions or are only advocated by publicists, do not receive consideration in Sir John's sections on the mechanism of cabinet systems.

The chapters on administration give many details of the history of the civil service, the numbers of personnel, and the salaries received, but fail to indicate the rôle of the civil service in the modern state. There is nothing on the problem of state organizations of public employees. There is a discussion of French administrative courts, with Professor Dicey's classic criticism serving as the text, but practically nothing on the modern development of French ad-

ministrative law with its increasing allowance of recoveries for tortious acts by governmental agents. The American doctrine of judicial supremacy is referred to, but the influence of American courts on social policy is not considered. Nor does the discussion of the English judiciary—extremely learned in its historical details—remotely suggest that social policy in Great Britain is determined not only by an omnipotent legislature, but by courts that hand down decisions such as the Taff Vale, Osborne, and Poplar judgments. Proportional representation receives some consideration, but there is no discussion of professional representation as now embodied in the Reichswirtschaftsrat, and to a lesser extent and for different purposes in the Conseil National Économique. There is nothing on England's recent Emergency Powers Act of 1920, nor, in connection with the discussion of party organization, is there any treatment of the "federal" organization of the Labor Party, its relations with the Trades Union Congress, and the special devices which seek to influence decisions by the front bench—a mechanism which the London *Times* once described as "governing the government."

Nothing is easier or more unfair than for a reviewer to complain because subjects in which he is interested fail to receive what he considers due attention. Perhaps some of the *lacunae* which I have noted fall in this category, but they and others are to be found in a work which pretends to be a well-rounded attempt to discuss the mechanism of the modern state. One explanation may be that the treatise has grown by the accretion of articles for the English reviews. This genetic process should have been counterbalanced by decretion and a good many pages devoted to Greek political philosophy and to the early history of the British constitution should have been left out.

Similar criticism will be made by the critical reader of Sir John Marriott's book on *Second Chambers*. This volume was originally published in 1910. It was to some extent a *livre de circonstance*, inspired by the pending proposals to lessen the powers of the House of Lords. Sir John Marriott says that he undertook the task of revision "with a light heart, imagining that a few notes with perhaps one additional chapter would suffice to bring the book up to date. I have been undeceived, and in the event found myself compelled in order that it might now be uniformly up to date (July, 1927) not only to undertake complete revision, but in parts to re-write whole paragraphs and even chapters."

It is not worth while to pause to discuss Sir John Marriott's optimism in believing that during seventeen years much bicameral water had not flowed under the political bridge. Such optimism was somewhat temerarious, for one of the most striking innovations of post-war constitutions was the distinctly subordinate place assigned to second chambers. But if the "light heart" with which the revision was begun became heavier, the rewriting pen remained "light." What should be said of an author who reprints in 1927 a chapter on the American Senate exactly as it was written (even including the errors) in 1910, with the addition of a single footnote calling attention to the fact than an amendment (not the 16th as the author says) changed the method of electing senators? What shall be said of an author who does not think that the struggle between the Senate and President Wilson was of sufficient importance to be mentioned, or who apparently does not know that the inquisitorial powers of the Senate and its refusal to put restrictions on debate distinguish it from other upper chambers? What comment should be made on an author who quotes a French writer quoted by Lecky thirty years ago as authority for the statement that money bills may be introduced indifferently in either house of many American state legislatures? That the statement is not incorrect makes such confidence no less amazing.

The chapter on the French Senate is reprinted with no more than a very few verbal changes. These changes are unfortunate, for they show a high percentage of inaccuracy. A sentence added to a paragraph on the responsibility of cabinets to the Senate says that "In 1904 the Senate compelled the resignation of the Léon Bourgeois ministry, and that of the Briand ministry in 1913." Bourgeois resigned in 1896, not in 1904, and Briand was not *compelled* to resign because of the failure of the Senate to adopt his electoral law. There is no mention of the Herriot resignation in 1925, nor of Poincaré's gesture in 1923. Similarly, Sir John Marriott rewrites a sentence dealing with constitutional changes but does not thereby achieve accuracy, for he fails to remember the *caisse d'amortissement* provided for by constitutional amendment in 1926. He apparently thinks that the last trial before the Senate of persons accused of attempts on the safety of the state took place in 1899, for his list does not include Caillaux and the others who were so judged in 1918.

The upper chambers in pre-war Germany, Austria and Hungary

have been swept away. Those chapters could not be reprinted, and new information must be given. Sir John Marriott, nevertheless, falls into some snares in paraphrasing the language of the constitutions. It is hardly accurate to say that the Reichsrat "may with the consent of the president, demand a referendum". The analyses of the powers of the Prussian Staatsrat and the Austrian Bundesrat are confused. Indeed, the author misses the point with respect to these new second chambers. He does not see that the idea of the Parliament Act—i. e., a suspensive veto—has been taken over and that for the time provision of the Parliament Act these new constitutions substitute specially large majorities in the lower house in order to overcome objections expressed in the upper house. The second chambers, in a word, have become secondary, but they can nevertheless perform most of their theoretical functions—of revising, of warning, of delaying, and of causing reconsideration.

There is a satisfactory discussion of these new tendencies in Miss Headlam-Morley's comparative study of post-war European constitutions. Even though her volume gives special attention to Germany, Czechoslovakia, Poland, Finland, Yugoslavia and the Balkan states, its author is confronted by a wealth of material extremely difficult to deal with in less than three hundred pages. Miss Headlam-Morley has not contented herself with a mere paraphrase of the new constitutions. She gives a good deal of information on the manner in which the constitutions were drafted and the alternative schemes which were discarded. She has many pages also which deal with the governmental systems actually at work. She covers practically all of the more important problems: the division of power between central and local governments, the electoral laws, the organization of political parties, direct legislation, the powers of upper chambers, the titular executive, the ordinance-making authority, the dissolution of the legislature, and the relations between the real executive, i. e., the cabinet, and the legislature.

In spite of the fact that many clauses must be cited from different constitutions, Miss Headlam-Morley occasionally finds space for a statement of her opinions on certain matters of governmental structure. She indicates, furthermore, the extent to which newer adjustments adhere to or depart from the British practice. Her subject, however, is one which should be treated on a larger canvas. The mass of detail is so great that the broader outlines of the picture are sometimes obscured.

M. Mirkine-Guetzevitch has not made this mistake in his edition of the text of eighteen of the new European constitutions. His "Essai Synthétique" is devoted only to the most general tendencies. It is, however, a suggestive introduction to a study of the constitutional texts. These include the constitutions of Turkey, Greece and Rumania, which have rarely been included in any of the collections of texts. The constitutions of Prussia and Bavaria are given as samples of the governments set up by the German Länder. Lack of space compelled the omission of the others. This is a pity, since, as I have said, the German Länder have gone in for a wealth of governmental experiments. Some of the most interesting innovations are to be found in the smaller states. The Prussian Constitution is the only one that has been translated into English; but Prussia and Bavaria, while they hint at some of the things to be found in the other texts, fail to suggest the many adaptations of older forms which the "Founding Fathers" of the German Länder thought warranted by the problems which confronted them.

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SENIOR'S "SOCIAL ECONOMICS" ¹

IN the development of political economy in Britain, there was a space of fifty-four years between Ricardo's *Principles* and Jevons' *Theory*. During the middle half of the nineteenth century, according to our accredited historians, only one luminary of the first magnitude entered the galaxy of British economists. That bright light was John Stuart Mill. There were, of course, other distinguished economists and systematizers, among whom James Mill, McCulloch and Torrens are most conspicuous. Yet they were less elevated, less brilliant, and less independent than the great luminaries; they were, indeed, satellites gravitating about the doctrinal figure of Ricardo. The position of J. S. Mill as the single fixed occupant of the space between Ricardo and Jevons, or between classical economics and modern economics, leaves many questions of relationship to be explained. For while Mill was near enough to Ricardo to receive and reflect the Ricardian luminosity, he was so far removed from Jevons that even light-miles will not suffice for a figurative measure of distance. Jevons himself was the first to realize this and to declare the need to rescue economic science from the confusion created by "that able but wrong-headed man, David Ricardo", and intensified by "his equally able and wrong-headed admirer, John Stuart Mill".²

Among Mill's contemporaries, the only economist who was a serious rival to his exclusiveness and supremacy was Nassau Senior. Yet Senior's early promise did not, apparently, bear fruit in great accomplishment. During his life he published only one slender volume on the theory of his science, the widely read *Political Economy* which appeared first in 1836 as an article in Coleridge's *Encyclopedia Metropolitana*.³ This little book consists of a demon-

¹ *Senior's Industrial Efficiency and Social Economy*, edited by S. Leon Levy. New York, Henry Holt and Company, 1928. 2 vols. xxiii, 375; vi, 422 pp. \$8.00.

² W. S. Jevons, *Theory of Political Economy*, p. li.

³ Several fragmentary statements concerning economic theory were published by Senior in the form of articles, addresses, and pamphlets. There also were his *Three Lectures on the Transmission of the Precious Metals* (1828), *Two Lectures on Population* (1829), *Four Introductory Lectures on Political Economy* (1852). Yet his *Political Economy* was his only systematic treatise.

stration of four axioms which Senior regarded as "the four elementary propositions of the science of political economy."¹ By a rigid adherence to these narrow postulates, he accounts for the production and distribution of wealth. As a rigorous schematization of economic theory, it has been regarded by critical readers as a work of exceptional merit. As a presentation of a comprehensive body of principles, it has been found wanting by most students.² Perhaps it should be regarded in the same way as other encyclopedia articles, i. e., as a skeleton. It unquestionably has the potentialities we associate with skeletons—and also the inadequacies.

Economists, basing their opinions of Senior as a theorist upon his *Political Economy*, have declared themselves impressed by his logical precision, by his critical penetration, and by the illuminating doctrines which are incipient in his work—and dismayed at his failure to carry his arguments through to the conclusions which are sought, *a priori*, by themselves. In the welter of critical estimates of Senior, two opinions appear to be traditional and widely shared. The first is that Senior was a Ricardian classicist. The second is that, with the publication of his *Political Economy*, his contributions to the science came to an abrupt and untimely end.

That Senior is a member of the Classical school and a Ricardian is stated repeatedly by Professor Gide.³ Just what it is that makes him so is not clear. Dr. Ingram adds to the testimony when he includes Senior among the "number of minor writers" who came "after Malthus and Ricardo . . . who were mainly their expositors and commentators, and whom, accordingly, the Germans, with allusion to Greek mythical history, designate as the Epigoni."⁴ This seems rather like labeling a man and then hanging him. The question of classicism and Ricardianism will receive further consideration at a later point in this article.

¹ These axioms are, briefly: (1) that every man desires to obtain wealth with a minimum of sacrifice; (2) that population is limited only by moral and physical evils or by standards of living; (3) that wealth increases cumulatively because of the productiveness of capital; (4) that, skill remaining constant, agriculture is susceptible to diminishing returns.

² A discussion of the content of this early work of Senior's is not consistent with the purpose of this article. A penetrating and judicious estimate of it is contained in H. J. Davenport's *Value and Distribution*, pp. 44-52.

³ Gide and Rist, *History of Economic Doctrines*, pp. 350, 351.

⁴ J. K. Ingram, *A History of Political Economy*, p. 138.

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POLITICAL SCIENCE QUARTERLY

THE ECONOMICS OF HIGHER EDUCATION⁷⁻¹¹ IN GREAT BRITAIN

BRITISH professors have their own opinion as to academic standards in America; in fact, they quite generally believe that the American collegian at the age of twenty is about two years behind his contemporary in the old country. They shake their heads in friendly disapproval of the complexity of the American curriculum, the "public school" atmosphere of American undergraduate life both in the classroom and outside, and the limitation of academic freedom to which, in their understanding, the American professor is subjected. In such respects, whatever be the amount and quality of their information, they confess little envy of their American cousins across the sea. But there are certain manifestations of deep and real enthusiasm for education in the United States that strike them into admiration.

Public support of higher education by taxation, such as that provided for our state universities, they can understand, for the beginnings of like support have been made in Great Britain. Before the War the nation divided about one hundred and fifty thousand pounds annually in recurrent grants among all its institutions of higher learning, a sum considerably smaller than that which the state of Utah appropriates for its university and agricultural college. Since then the Government's patronage has greatly expanded and now the annual allotment from national and local treasuries for the twelve institutions in England, counting the multipartite University of London as a unit, together with those for the four colleges of the University of

Wales and the four institutions of Scotland, totals about two and a quarter million pounds. This progress during the last fifteen years is remarked with satisfaction; earnest and long continued efforts of university committees have been thus handsomely rewarded. But this sum is considerably less than the combined current appropriations made by two states, Minnesota and California, for their public universities. Manchester, among provincial cities, does the best in local grants for higher education, but it does no better than Cincinnati, about half its size; and it must also be borne in mind that an American city which maintains a municipal university like Cincinnati is taxed also for its large share in sustaining the state university or, as in Ohio, universities, as well. A fair notion of the British method may be obtained from the ledger at Nottingham, where the university college receives twenty-five thousand pounds from the government, fifteen thousand from the city corporation, fifteen hundred from Nottinghamshire, and one thousand from Devonshire. Such sources must be counted upon for the great bulk of support of the newer universities, for less than one-tenth comes from the endowments. In fact, the total income from endowments for all English Universities, excluding Oxford and Cambridge, last year was only two hundred and sixty-eight thousand pounds.¹

When in answering the questions of British friends one explains that the federal government has presented the state institutions with land endowment amounting to three times the area of Wales, they express astonishment, but they doubtless trace such munificence, properly enough, to the fortune of America rather than to the conscious personal sacrifice of its citizens. The staggering sums now allotted each year by the states themselves, however, obviously represent continuing enthusiasm. What surprises them the most is to learn that it is the general custom in America to exempt all private or endowed colleges and universities from state and local taxation. For example, in Minnesota and California, the states we have cited as generously supporting their public universities, there are about thirty endowed institutions receiving this indirect

¹ In this article "last year" should be understood as 1927.

subvention. Every institution in England except one of the colleges of the University of London and the University College of Southampton has to pay its assessed share of the rates; bursars wistfully reckon how much could be pushed off the red-ink side of their ledgers if the American example were followed.

The British executives had heard disquieting stories of interference by American state governments with respect to policies of instruction in the state-supported institutions; they understood that any moment a professor might be criticized on the floor of a legislature for teaching some doctrine that was unpalatable to the majority of the taxpayers. When Parliamentary grants were first proposed, then, there was apprehension lest this intolerable result should follow there as well. Persistent inquiry among the well-informed today fails to bring one complaint upon that score; everyone seems abundantly satisfied with the propriety of the administration of these Treasury funds by Sir William McCormick and his committee. Higher education has not consulted popular prejudice since the Parliamentary subvention began any more than it did before. It was feared by some that the University Grants Committee would tend to standardize university practice into flat uniformity, to the sacrifice of individual character, as dearly cherished by a British institution as by a British citizen. It has, indeed, tended to standardize bookkeeping and the like, but it has recognized the right of self-determination in university policy. One executive told me, however, that he has himself suggested several desirable local changes to the committee, whose public statement of the same had made his way very much easier in overcoming the opposition of some of his own professorial colleagues.

The tyranny of the University Grants Committee was soon proved to exist only in unfounded fears. But there has been no such reassurance as to the effects of grants from local authorities. The strength of radical labor in some industrial cities which aid in the support of universities is enough to bring some apprehension of embarrassing interference, not only among the professors of economics, political theory and the

like, but among the general faculty of arts, whose instruction might appear less "useful" than that of their technological colleagues. It is said that in some cities, like Sheffield, Birmingham and Manchester, there has been real cause for such fears. The Scotch universities are like the endowed institutions in America, in that they get exemption from the rates but no public grants. When some new professor there in need of funds for his department suggests an application to the city for a grant in aid his principal shows little sympathy. Being a Presbyterian and well acquainted with his Bible he very likely quotes a verse about a mess of pottage.

If they admire the support the American taxpayer gives to higher education the British executives are still more impressed with the generous patronage of wealthy individuals, marvelling at the frequency and magnitude of the gifts to endowment and equipment. A considerable number of British universities are in the thick of campaigns for funds. These recurrent enterprises we call "drives"; they call them "appeals". The one word indicates confident energy bearing down all before it; the other something of supplication. Of course the latter implication does injustice to the zeal and devotion of those in charge; nevertheless, there is an observable difference in the spirit of the two. The result of the appeals has been encouraging but not satisfactory.

Even if no new enterprise were started in any university there would still be a growing need for funds. University education is a queer business; the more is sold the greater the financial loss. As a commercial transaction between bursar and student, the buyer always wins, as he never pays more than a fraction of the cost of what he acquires. The English universities are therefore troubled by their success. Take for example University College in London, founded a little more than a hundred years ago. Since the beginning of the present century it has increased by over four times; when one considers that in most departments the student's fees cover about one-third of the cost of his instruction it is not strange that the college committee is making an appeal for funds to insure continuance on the present scale. But tuition fees supply a larger

proportion of income in this and the other institutions of the University of London than they do elsewhere. In Great Britain, as a whole, the students' total contribution is less than thirty per cent of the necessary income. It is imperative that other streams of revenue be increased.

Castling about for explanation as to why the new universities have much less financial support than most of their American contemporaries, one obvious factor is their youth, most of them having secured university status within the present century; time is needed for prestige. It is true that this argument may be overstressed, as in most cases there was a previous collegiate state reaching back to mid-Victorian days at least. But the English public have not long been conscious of having universities, outside Oxford and Cambridge. As for these ancient institutions they have been for many generations handsomely independent of anyone's financial interest. Founded so long ago by pious benefactors who endowed them with landed property all over England, they have enjoyed a growing revenue; with the increase in land values in a crowded country during the last six hundred years, most of their colleges have been easily able to sustain their costs, more or less rigidly limited as each is with respect to numbers. The older universities as general corporations, apart from their constituent colleges, have similar endowments, mostly of such antiquity as now to seem quite impersonal.

Take the receipts of Oxford University, for example, and note the items under estates: "Lands let at rackrent, Lands let out on beneficial leases, Houses let at rackrent, Houses let on beneficial leases, Houses and sites let on long leases, Fines and fine loans, Copyholds for lien, Copyholds of inheritance, Leaseholds, Tithe rent charges, Quitrents, rent charges and other fixed payments, Timber and underwood, Minerals, Other properties". Besides the income from investments, college contributions, and student fees, there are other receipts from external sources, such as from wine licenses and from the Oxford market. But the largest revenue, as has been suggested, is received by the colleges themselves from their own properties, some of which in urban districts are heavily profitable.

The rise in prices, or in other words the decline in the purchasing power of money, which has been a phenomenon of British as well as American economics during the last fifteen years, has cut down the investment returns of the old colleges, but the institution, or institutions, could probably go on very comfortably without the annual hundred and thirty-six thousand pounds it gets from government sources. At first it might seem ungracious for them to accept state subventions when their neighbors stand so much in need of them, yet on second thought it is clear that the dignity of the newer universities is much better maintained if the government treats all alike.

Oxford and Cambridge, then, have not taught the British public how to give; they do not conduct appeals to wipe out deficits or to finance expansion, at least for the instruction of men. They are at present soliciting funds, it is true, but it is significant that their purpose is to preserve the scenery, or as they say the "amenities", of the two university towns. Vulgar little bungalows were creeping toward the hallowed halls of ancient learning; an automobile manufactory flaunted its graceless modernity before their very windows. High tables buzzed with apprehension, fellows were summoned into conference and Preservation Trusts were formed last year, first at Oxford and then at Cambridge. A "Christmas circular" was sent to all Oxford graduates on the Parliamentary register, which produced eight thousand pounds in cash and seven thousand more in promises. But this was only a christening gift, it was said, the trust needs a hundred thousand quickly and something like a quarter of a million in the end. The ex-Rhodes scholars are to be circularized, too; the first alumni drive is under way; perhaps even the ancient universities will aid in teaching the British people how to give to higher education.

A campaign to save something may very possibly interest Englishmen more than a campaign to start something. Yet not even this is always waged with confidence. At any moment the twelfth-century castle wherein is housed a part of the University of Durham may slide down the hill into the

River Wear. It is now shored up with timber, but geologists and architects agree that it has at last leaned so far by reason of the slipping of the soft soil underneath that its remaining days are few, unless a hundred and fifty thousand pounds are immediately found for thorough-going grouting and underpinning. A building which is not only a university hall but one of the finest monuments of Norman architecture is in grave peril; yet the money comes very slowly.

In America such a drive would be organized with the support not only of a powerful alumni association but likewise of a professional concern which would draw up a list of probable donors, arrange meetings, conferences and public notices, and furnish valuable advice in the light of considerable experience. One organization has more than a hundred and fifty successful campaigns to its credit, and there are several others with enviable records founded upon energy, sagacity and correctness in deportment. It is coming to be a recognized profession and it is conceivable we shall in time see universities themselves offering courses in its technique. In England, though known, it is upon a very precarious footing still. Three attempts to employ it by British universities and colleges resulted in thorough-going failures; in only one has there been a notable success. Whether this discouraging record is due to the inefficiency and maladroitness of the professionals or the unreadiness of the public is hard to say.

What sustains many a college campaign in America is the assurance of support from one of the great philanthropic foundations set up by very wealthy families to aid worthy educational projects wherever they present themselves. These are virtually non-existent in Great Britain. A striking exception is the Carnegie Trust for the Universities of Scotland, which allots shares of its income of a hundred and twenty-five thousand pounds to the four universities for research, though a large part of its funds goes for scholarships. Recourse may in the future be had more and more to the Empire Marketing Board which has collected a large sum to be used for forwarding commerce in every way. It has begun to work through universities as is illustrated by its gift last year to the University

of Edinburgh for aiding research in animal breeding. There are other foundations which might be approached such as the livery companies of the City of London, which are possessed of much valuable property; the annual income of the twelve "great" companies is about six hundred and fifty thousand pounds, to say nothing of the sixty or seventy other companies in London alone. Some have long since founded institutions of higher education, like the Technical College of the Society of Merchant Venturers, now a part of the University of Bristol. Others have made gifts, like the Drapers' Libraries at the University College at Cardiff and elsewhere. University executives will probably not leave these old guilds undisturbed. Certain active trade associations contribute to research in their own problems. The clothworkers of Leeds sustain the textile museum at that university and have furnished much other equipment; the Nottingham hosiers and lace manufacturers provide for the technical instruction given in their branches by the university college at that place; the glass workers bear the expense of the work in glass technology, a unique enterprise carried on by the University of Sheffield; in several institutions the coal trade maintains laboratories and staffs for fuel research by means of one twenty-fifth of a penny appropriated from the price of every ton of coal sold in England.

Impressive as these illustrations are, it yet remains that there is almost nothing, outside the Carnegie Trust in Scotland, available from great foundations for general endowment. It is not surprising in these circumstances that university executives should look across the seas for aid. The historian may well point out that this is but redressing an ancient balance. He recalls the colonial days when Elihu Yale, of Wrexham, Wales, bought immortality cheap, in the words of Cotton Mather, by a gift to the college in New Haven, or somewhat later when the institutions which were to become Columbia, Pennsylvania, Brown and Dartmouth sent agents to England to collect subscriptions. The friendly interest of the British nobility was sometimes markedly acknowledged as in the naming of Kenyon College, and it was well on in the nineteenth century that the institution which was later to be called Trinity College, at Hart-

ford, quite frankly offered to name itself after any nobleman who would contribute handsomely. It may be bad philosophy to ascribe continuing personality to nations, and to talk of cultural obligations; there would be little justice in demands from the old country that such debts be paid, and, of course, no one makes them. But there is some historical propriety in subscription now from this side.

Needs, politely presented by British university executives, have been recognized, and contributions have already been made toward meeting them. The International Education Board, of New York, last year appropriated seventy-four thousand pounds for the department of Zoölogy in the University of Edinburgh, and thirty thousand for research and instruction in animal genetics—over half a million dollars to one institution. The Rockefeller Foundation recently bestowed a new pavilion for obstetrics and nurses' house upon the University College Hospital in London and still later nearly a hundred thousand pounds to develop the studies of anatomy and physiology; the Laura Spelman Rockefeller Foundation has just put very large sums at the disposal of the London School of Economics for specific enterprises; all these are in addition to the princely gift by the Rockefeller Trustees of four hundred thousand pounds which made possible the purchase of a great eleven-acre site for the University of London, directly adjacent to the British Museum. Mr. Edward S. Harkness gave nearly fifty thousand dollars for various purposes to the University of St. Andrews and contributed heavily to the building of the new great hall. There have been other American donations to various institutions, for such projects as revision of catalogues, library development, new buildings, and special studies of social problems. All these have received grateful attention. The rich American is on the minds of the vice-chancellors. But, as the King observed in his address at University College in June, 1927, "Fortunate as you and the University of London have been in benefiting by such noble generosity from the great American nation, it is upon home support that you must rely".

But British educationalists—and, incidentally, they insist

upon that word—observe dispassionately that their countrymen do not support higher education with the zeal and sacrifice that distinguish Americans. We had to rely on public taxation, at least as one source of maintenance, from the very beginning, when in 1636 the first collegiate venture, at Cambridge, Massachusetts, got four hundred pounds from the colonial legislature; in this we had nearly three hundred years the start of England. Private generosity responded as soon as wealth had accumulated. In a new country where the ratio of man to circumstances is still heavily in favor of man, progress is a prime article of faith; and education is the infallible means to progress. In England it has to argue its way against habit. Education has figured there rather to preserve society than to change it. One would scarcely make that comment within the lively precincts of the London School of Economics, it will be admitted, but it remains true in the main that higher education as an instrument of general progress has only begun to fire the British imagination.

If you ask half a dozen educationalists why wealth does not more generously aid them, you will get more than half a dozen answers. You will be told in the first place that the rich men of England are not so rich as their counterparts in America; no one could set up an institution like that at Chicago or the immense new enterprise at Durham, North Carolina. You mention the great fortunes of the nobility, and immediately there is revealed an important difference in the position of wealth in the two countries. An American millionaire can give away his fortune and live as simply as he pleases; his munificence wins only praise. For an English duke to do as much, even if he were not bound by legal entails, would involve a treason to tradition. From the top well down into the middle class, the English son inherits with his legacy a definite obligation to keep up a certain style. He feels he must maintain the family seat, however extensive the area of its roofs and gardens, and however numerous its staff of service; he must keep the family stables and the pack of hounds; he must give the annual ball and sustain the family charities. He regards his fortune as really not his own, but inherited in trust

for such semi-public uses. His first regard is to hand on the old name, the old manner and the old property unimpaired to his son. To rob his posterity would be almost as scandalous as to rob his neighbor. Hence he does not give a building to a university. Continuous substantial contributions to such funds, moreover, are not a part of his inherited obligation.

Money made in trade has, in times past, taken much the same direction. Disraeli begins the seventh chapter of his *Sybil* with an historical review of English wealth in modern times. First came the merchant adventurers trading to the Levant, next the West India planter, then the nabob from the Far East, then the loan-monger reaping profits from the Napoleonic wars, and finally the manufacturer. But each in turn has bought land, a spacious country house and all its proper appurtenances; thus a trading fortune was transmuted into respectability. It is true that the custom grows steadily less insistent, but still, generally speaking, a newly rich Englishman would rather found a family than found an institution. He apparently does not have the American confidence that grandchildren can shift for themselves.

Suppose, however, that he has been enjoying so large an income that he has usually spent but half of it, saving the other half. In the days before the War, the newer universities might possibly have had a chance at the other half had they pressed it, but now that half has actually disappeared under the demands of the income tax. The well-to-do Englishman today, at least the man who has been wealthy for some time, can give only at the expense of his scale of living; which, as has been said, strikes him as disgraceful. The professional man finds himself mulcted of one-fifth, one-fourth, or one-third of his income. Actually, during the last few years, many incomes themselves have decreased, especially in such old staple trades as coal and iron, which for reasons too complex to be developed here, have been and are in a very low state indeed. Surely these are factors in explaining the halting response to university appeals. •

One possession which English university executives envy Americans is an intangible but immensely valuable one, the

sentiment of loyalty among the alumni. To say that this does not exist in England would be quite extravagant, for there is a deep feeling for one's particular college, especially among Oxford and Cambridge men. But it has not yet turned to financial expression. That it could be caught and harnessed for the moment was proved by Cambridge in 1898; but as we have pointed out as far as those ancient universities are concerned, there has been little need. In America drives are carried through by the powerful support of the graduates, each giving "till it hurts" and often far beyond that point, whether the individual be rich or poor. Englishmen stand amazed when they read that a large part of the twenty million dollars recently raised by Yale came from alumni subscriptions. The class gift from time to time is one of the American institutions they admire most. Nothing interests them more than an account of permanent alumni funds, such as those of Columbia, Cornell, Dartmouth, Harvard and Yale, to which each alumnus gives a stated annual sum to a total which may be used to wipe out deficits or otherwise to ease the university's burden. The only important enterprise figuring in English education which approaches this ideal is the fund organized recently by former Rhodes scholars for continuous giving to Oxford—an American plan administered by Americans.

Alumni organizations, or Old Students Associations as they are termed, do exist in Great Britain; in fact, there is at least one such for every university and university college, except Oxford, in England and Wales. They are, generally speaking, loose organizations in which annual membership costs from two shillings and sixpence up to twice that sum, though those for the technical colleges run a little higher. In one case the association elects a representative to the University Council, corresponding somewhat to our Board of Trustees. The activity is largely social, in many cases including a dinner and dance at least once a year, and possibly a choral club, dramatic club, or special clubs for badminton and tennis; a few publish news magazines, more or less regularly, or a pamphlet year-book. Several keep up connections with the university appointments board, helping them to place graduates in desirable positions,

while others maintain student-loan funds. One advertises free access to college libraries and cheap use of the playing fields. In all this there is little suggestion of the American alumni association with its paid staff in its suite of rooms at the university, its vast structure of committees, its impressive periodical literature making real contributions to education as well as reporting university news. There is no suggestion of "alumni days" or of the Commencement reunion with its costume parade, its class house-parties and its great mass-meetings.

Two facts stand out: first, the English alumnus as such does not give; second, the successful business man is not generally a college graduate. The principal of a new university college in search of financial support recently addressed the Chamber of Trade in his city, a body of some fifty men representing the leading merchants of a community numbering three hundred thousand people, a city of great antiquity and known throughout the world. He observed afterwards in conversation that his task would have been easier if at least one of his listeners had had a bachelor's degree. Guesses on such matters are treacherous, but it is probable that in a similar meeting in America half or two-thirds would be college-bred men. The breeding, perhaps, would not be very deep, but certainly they would know what colleges were like. America, its circumstances constantly bearing toward the democratic ideal, early realized that higher education should not be confined to ministers, lawyers, doctors, and teachers; it broadened the college curriculum so that a young man might choose that course of study which would fit him to be a good citizen even if he had no professional aspirations. American business forty years ago was sceptical of the college graduate, just as English business still is today, but as he increased in number and variety he had to be received, and now in many enterprises is much preferred to the practical apprentice. American commercial and industrial men, then, are oftentimes college alumni; their English counterparts are not—another reason why university money comes a little easier in America.

If all the factors set forth in this long recital were permanent the prospect for higher learning in Great Britain, outside

of Oxford and Cambridge, and also the heroic Scottish universities, which have always done much with little, might seem somewhat discouraging. Yet, plausible as they all seem when presented by the witnesses, there are evidences of change on every hand. In the first place, the business depression which has disheartened many sections of England is lifting; whatever foreign competition may do, British pluck and intelligence will set British industry upon a profitable basis. It is improbable that taxation will grow more burdensome, and it is quite possible that international adjustments will make for its decrease. Really, one listens to the jeremiads in which some Englishmen like to luxuriate with a good many reservations. The visitor looking about on the newer universities finds their present existence the most impressive testimony to a growing interest in higher education. He soon realizes that he has come to England in the midst of a great educational renaissance, comparable to that in Germany a century ago.

The graduates of these new institutions will go into business and industry in far greater proportion than have those of Oxford and Cambridge, and will have free money, not landed property, some of which will undoubtedly be available for such contribution. If the newer universities develop more residential life beside or very near the college buildings, that is to say, hostels (as they call dormitories) and club-houses, the same warm sentiment, the home-feeling, will grow in the hearts and memories of their students, as has moved so much generosity in America. Educationalists are citing the American example, and British pride will respond. About a year ago Sir William McCormick, Chairman of the University Grants Committee, stressed this point. He said incidentally that the annual library expenditure of all the institutions in Great Britain only about equaled that of Harvard and Yale combined. To maintain that this disparity will not be much cut down requires one to prove that Great Britain is going into a permanent decline, which, as we used to say in geometry, is absurd.

It is not necessary to depend upon theory for such conclusions. Setting sums aside and fixing upon tendencies, the

curve of progress with respect to public grants in aid during the last fifteen years, as was shown some pages back, is one of the most striking features of recent British social history. And private munificence has been establishing noble precedents as well. At Bristol there has arisen a fine new Gothic fabric so stately as to suggest a smaller University of Chicago; the new Physics Building might rouse the envy of most American universities. Those halls are all the gift of the Wills family, well-known in the tobacco trade. The Palmers, whose name when coupled with that of Huntley, suggests to Americans an excellent brand of tea biscuits, have been chiefly responsible for the prosperity of the new University of Reading. To the wise generosity of Thomas R. Ferens, chairman of the company making Reckitt's Blue, is owed the foundation of the remarkably promising new University College of Hull. Sir Edward Brotherton has recently given a hundred thousand pounds for a new library at the University of Leeds, making about a quarter of the sum raised by the appeal of 1925-1927 for a new building programme in that place. Most impressive of all, perhaps, has been the munificence of Sir Jesse Boot, whose drug stores dot Great Britain; as the result of his gifts there is rising a great group of white marble buildings at Nottingham, fronted by an artificial lake and surrounded by nearly a hundred acres of grounds and playing fields. The extent and equipment of these halls and classrooms and laboratories make all the more probable a university charter for the old University College of that place.

During the last thirty years England has undertaken a magnificent expansion of university opportunity. To carry on they need the support especially of English business men. They are getting it, in part because English business is beginning to feel the need of universities. "Muddling through" is well recognized today to be impossible. The problems are too great. England is thinking through as she never did before, and she begins to realize that universities, and plenty of them, are essential to the achievement.

DIXON RYAN FOX

THE ORIGINS OF THE SOUTH SEA COMPANY

IN these days of frenzied finance, and of economists who firmly believe in business cycles with a recurrence of periods of speculation followed by economic depression, it is curious that so little attention has been paid to the origins of the "Company of Merchants of Great Britain trading to the South Seas." Recent writers¹ on the subject, however, have restricted themselves to the history and organization of the company. This paper attempts only to trace its origins and suggest the importance of South Sea trade in the War of the Spanish Succession.

Since the days of the Elizabethan sea dogs, Englishmen had been seriously interested in the South Sea trade. Considering the influence of mercantilism, with its great emphasis upon bullion, the lure of the treasure of the Spanish Indies, the impetus given by the defeat of the Armada, and the religious hatred between the Elizabethans and the Spanish, it is difficult to understand why England did not immediately challenge Spain's economic supremacy in that area. James I sought to use Raleigh, one of the earliest English imperialists, as his tool in a diplomatic duel with Spain, but shamefully sacrificed him at the command of the Spanish king. The quiescent stage of the early Stuarts was rudely broken by Cromwell, who intervened in the contest between Hapsburg and Bourbon for the hegemony of Europe and received, as part of his reward, Jamaica.

Even though possessed of this window upon the Caribbean, England did little directly towards extending her influence

¹ L. Melville's (L. S. Benjamin) popular *South Sea Bubble* (London, 1922) shows little appreciation of the political importance of the organization of the company. W. R. Scott's *Early History of Joint Stock Companies* (Cambridge, 1910-12) is mainly concerned with its financial aspects, of which it contains a masterly treatment. The French and Spanish trading ventures into the South Sea are better served by G. Scelle, *La Traite Nègrière aux Indes de Castille* (2 vols., Paris, 1906), and E. W. Dahlgren, *Le Commerce de la Mer du Sud jusqu'à la Paix d'Utrecht* (Paris, 1909).

there, though enterprising buccaneers, such as Sir Henry Morgan, did much to call attention to the wealth obtainable in the area. The entire Restoration period, moreover, found England too firmly attached to Louis XIV's chariot wheel to take the initiative in colonial affairs, although English merchants as well as buccaneers were far from passive. The Glorious Revolution, however, brought Louis face to face with a rival in both the colonial and commercial spheres, an aggressive rival who now ruled both the great colonial powers. During the first act of the Anglo-French duel for Empire (1689-1763), both nations showed considerable interest in the Caribbean. The English ministers, obsessed with mercantilist ideas, eagerly sought to prevent any bullion from reaching France to be used in waging war against England. The safety of Jamaica was particularly important, for through that center English merchants secured much Spanish bullion in return for English goods.

The French navy, meanwhile, sacked Carthagena, one of the greatest trading-centers in Spanish America, and harried the coast of the English continental colonies, interfering seriously with the commerce between them and the West Indies.¹ Boston learned that a dozen warships from Canada would attack the coasts and trade of New England and pass to the West Indies. These things in turn affected unfavorably the revenues of the mother country, at a moment when, after seven years of war, English finances were in a bad way. The English authorities, somewhat disheartened by repeated defeats in Flanders and failures in the West Indies, were completely downcast by the "loss of a rich convoy outward bound . . . , a crowning disaster, which made them eager for peace."² Little of a per-

¹ *Cal. St. Pap., Col.*, 1696-7, pp. 159, 285, *et passim*; G. P. R. James, *Lettres Illustrative of Reign of Wm. III* (London, 1841), vol. I, pp. 87, 151, 254, 347; *Bath MSS.* (Hist. MSS. Com.), vol. III, p. 140.

² *C. C.*, 1696-7, p. xix; W. Coxe (ed.), *Priv. . . . Corr. of . . . Shrewsbury with King Wm.* (London, 1821), p. 166; Sir J. Dalrymple, *Memoirs of Gr. Brit. and Ire.* (London, 1790), vol. III, p. 111. It must have been scant consolation for the English to learn that the French commander brought "home after all but eight millions French livres, and above half his equipment are dead and sick." *Bath MSS.*, vol. III, p. 163.

manent nature having been accomplished in the colonial sphere by either nation through war, the exhausted participants made a truce at Ryswick (1697), that each might help decide who should receive the Spanish Empire, and more particularly the Spanish Indies, at the death of the child-man, Charles II.

The great importance attached to the South Seas is evident throughout Anglo-French negotiations over the Partition Treaty of 1698, for both monarchs were deeply interested. William III expressed a desire for Havana, which Louis XIV vetoed immediately he recognized its strategic importance. The correspondence suggests that William might have favored the pretensions of a Bourbon prince to Spain, had France been willing to guarantee the commercial interests of the maritime powers in the Caribbean and Mediterranean. Louis feared making such concessions lest they "involve the ruin of the commerce of all the rest of Europe in the Mediterranean and the Indies", a stand which probably led William to support the claims of the electoral prince of Bavaria in the first Partition Treaty.¹

The sudden death of this young prince required a new treaty but the Indies do not bulk large in its negotiation, for William now realized that a conflict with France was inevitable. The English ministry heard that France was preparing a squadron to take over the choicest portions of the Spanish inheritance in America. This rumor, coupled with the Scottish interests in the area, called England's attention, perhaps, as never before, to the value of the South Sea trade and the advisability of organizing a trading company to monopolize it. The indomitable William Paterson, by no means cast down by his Darien disaster, presented a strong case for the Caribbean. The conquest of the West Indies, he asserted in a letter to William, would enable England not only to carry on the war at the expense of the enemy, but make possible a most lucrative commerce with Mexico and Peru. The sixth article of the Grand

¹ P. Grimblot, *Letters of Wm. III and Louis XIV and their Ministers* (London, 1848), vol. I, pp. 301-504, *passim*; C. C., 1697-8, pp. 33-5, 340, 568; 1699, p. 282; E. S. Grew, *Lord Portland and Wm. III* (London, 1923), pp. 322-55, *passim*.

Alliance (1701) suggests that William profited by Paterson's advice.¹

The English colonists also feared that France might become predominant in the Caribbean. The concern of Englishman, Scot and colonial was measurably increased by the news that the unfortunate Charles II, powerful only in death, had bequeathed all his vast possessions to Philip of Anjou, Louis XIV's grandson, thus raising anew the whole question of the South Sea. The year 1701, therefore, became one of "preparation for war," and the English West Indies, for excellent reasons, became tremulous with fear lest France seize them all.² In some respects William, as ruler of the two great maritime powers, was more interested in commerce and the Caribbean than in Europe. He must at any cost check Louis's plan for engrossing the South Sea trade³ and possibly later creating in Antwerp a rival of London as the entrepôt of the world.

William was repeatedly informed that France planned to organize the South Sea trade under her own auspices. He heard that Spain was willing to exchange Flanders for Roussillon; that French merchants had established a company with six million francs capital to trade to Mexico and Peru; and that France had secured the Asiento for ten years. A prominent merchant trading to Spain wrote later that the French "go frequently to all the Spanish ports in the West Indies under pretense of carrying niggers, etc., according to their agreement, and at the same time introduce their and other commodities and return with the proceed to France, which the Spanish resent, but can't

¹ A. Boyer, *Polit. State of Gr. Brit.* (London, 1711), vol. I, p. 393; C. Cole, *Memoirs of Affairs of State* (London, 1733), p. 416. See also S. Bannister, *Life of Wm. Paterson* (Edinburgh, 1858), pp. 333, 343, 354; Bannister, *Writings of Wm. Paterson* (Edinburgh, 1859), vol. I, pp. xcix, 127; C. von Noorden, *Europäische Geschichte im 18ten Jahrh.* (Düsseldorf, 1870), vol. I, p. 357.

² *C. C.*, 1700, pp. 82, 189, 333, 562; 1701, Preface, nos. 515-6. See Grimblot, *op. cit.*, vol. II, p. 476; *A Letter to a Member of Parliament concerning Trade and particularly Trade to the West Indies* (1707), p. 4; Scelle, *op. cit.*, vol. II, p. 149.

³ Archives des Affaires Étrangères: Correspondance Politique, Espagne, 86, f. 244; A. T. Mahan, *Influence of Sea Power on History, 1660-1783* (N. Y., 1890), pp. 463-73.

help."¹ To meet such threats against her already extensive South Sea trade, threats backed by the presence of French warships, England sent Admiral John Benbow to police the West Indies.²

Such was the situation at Anne's accession. Whereas England, together with Holland, who also feared the loss of her lucrative West India commerce, planned a joint attack upon France in the South Seas, their associate in the Grand Alliance, the Emperor, was much perturbed by the secret provisions permitting each ally to retain whatever he might conquer in the Indies. The imperialists even suggested that the Archduke Charles, candidate of the allies for the Spanish throne, should compensate the two nations with "free liberty to trade into all those parts,"³ as soon, presumably, as the Spanish inheritance was safely won for him by the allies. The imperial general, Prince Eugene, is supposed to have made England attractive offers if she helped make the archduke king of Spain, while the Imperial ambassador in London addressed a letter to Queen Anne, claiming that the maritime powers would get everything and the Hapsburgs nothing from the West Indies. Bonet, Prussian secretary in London, also became uneasy lest England, and to a less degree Holland, might increasingly monopolize the South Sea trade "*étant d'un grand profit à cause des maîtres d'or et d'argent.*"⁴

Meanwhile the English colonials likewise planned to prevent France from profiting from the Asiento which was considered so lucrative. They sought to police the region around Cartha-

¹ *Downshire MSS.* (Hist. MSS. Com. Rept., 1925), p. 824; Cole, *op. cit.*, pp. 297, 280, 399, 408, 419; Mackintosh Papers, Add. MSS., 34, 515. f. 111.

² *C. C.*, 1702, pp. 578, 677. See also H. L. Osgood, *American Colonies in 18th Century* (New York, 1924), vol. I, p. 60.

³ Baschet Transcripts from French Archives (P. R. O.), 197, f. 354; Correspondance Politique, Angleterre (Paris), 233, ff. 37-40; Wratislaw to Emperor, Jan., 1703, Staats-Archiv (Wien), England, B. 52; James, *op. cit.*, vol. III, p. 177.

⁴ Bonet's dispatch, Feb. 14, 1708, Geheime Staats-Archiv (Berlin), 33 Rep. XI, 73 Y. Three years later Bonet wrote, "L'intérêt ni les vœux de ce Royaume [England] ne sont pas de l'agrandir en Europe, mais bien en Amérique pour étendre son Commerce et sa Marine." *Ibid.*, Rep. XI, 73, Conv. 37.

gena, and cut off the Guinea trade, so that the French would be incapable of furnishing "the quantity of negroes contracted for, and their Asiento must break the first year and then the Spaniards will be glad to take them of the English, for the French can never furnish the number the Spanish must have except assisted by both English and Dutch."¹ Meanwhile, Benbow reported that Admiral Whetstone (Whiston?) was sailing to intercept the French leader Ducasse, "who, I hear is expected with four sail men-of-war to settle the Asiento at Carthagena and destroy the trade of the English and Dutch." The Admiralty was especially interested in intercepting any Spanish-American treasure designed for France or Spain, and might have succeeded, had it not been for the pusillanimity and cowardice of some of Benbow's captains.²

Loudly lamented by the English merchants and colonials, this failure of the navy to destroy the enemy's power in the South Seas was at least partially due to the Dutch refusal to coöperate.³ Marlborough, the great English general, had feared this, and advised both the secretary of state and Admiral Sir David Mitchell to be quite frank in explaining their policy in the West Indies to the Dutch, who were obviously jealous. Mitchell's instructions indicate that the ministry anticipated great things from a joint expedition, because he was to acquaint the Grand Pensionary, Heinsius, that the project was of the greatest importance, "both for our commercial interests and in prejudice of our enemies, by depriving them of the supply of money and plate which they seem to rely on for ye support of the war."⁴

¹ *C. C.*, 1702, p. 324.

² *Cal. St. Pap., Dom.*, 1702, pp. 49, 60, 122, 543; *C. C.*, 1702, pp. 368, 500, 578, 677; *Jour. of Adm.* *Rooke* (Camden Soc., 1897), pp. 164-229, *passim*; *Memoirs of Lord Torrington* (Camden Soc., 1889), pp. 89, 127.

³ W. Blackley, *Corr. of Rich Hill* (London, 1845), pp. 86, 183; T. Lediard, *Naval Hist.* (London, 1734), p. 744. Bank stock fell 3% apparently because of the "ill success of Admiral Benbow's encounter," J. E. T. Rogers, *First Nine Years of Bank of Eng.* (Oxford, 1887), p. 158.

⁴ Godolphin Papers, Add. MSS. (Brit. Mus.), 29, 587, ff. 103-6 (Library of Congress, Brit. Transcripts); Sir G. Murray, *Letters . . . of . . . Marl.* (London, 1845), vol. I, pp. 8, 19, 504. Three years later, Marlborough still hoped that he might get the Dutch to comply with "Her Majesty's desires since it is equally to their interest as to the private good."

Men like Daniel Defoe and William Paterson saw clearly how large a rôle the Anglo-Dutch navy could play by conquering the Spanish and diverting the treasure of the Indies to the treasuries of the allies. Although the English navy prevented the Spanish treasure fleet from reaching home for two years, and then luckily managed to wreck it and make a rich haul after it was apparently safely in port at Vigo, English merchants and colonial traders continued to demand a more aggressive Anglo-Dutch policy in the Caribbean. One memorandum read: "Without the acquisition of a port such as Havana and some others . . . where we may lay up naval stores, refit and clean our ships, our trade to Jamaica and other ports cannot be safe."¹

This same group also objected to the illicit trade with the Dutch West Indies, to which William Penn, the Quaker, was accused of being privy. Among the most vocal of them was Sir Gilbert Heathcote, a wealthy West India merchant, soon to be lord mayor of London and governor of the Bank, who maintained that the English "have as good an appetite for gold and silver as they [Dutch] have, and much better conveniencys from Jamaica to gratifye it." The New York authorities wrote the Queen that "nothing brings money into this province but the trade to your Majesty's islands in the West Indies, and to those subject to the States Generall, . . . from the latter of which we bring nothing but heavy money."² The first minister, the Earl of Godolphin, also realized that the possession of Havana would greatly benefit English commerce in the New World. The Dutch felt, however, that trade with the Spanish West Indies must be formally opened in the name of Charles III (Archduke Charles), if that commerce were to flourish once more. "It is only through this trade," wrote Vryberge, the Dutch envoy extraordinary to England, "that England and

¹ "Reasons Why the United Forces of England and Holland should Sail to the West Indies." C. O. 318/3, no. 17; D. Defoe, *Appeal to Honour and Justice*; *Downshire MSS.*, p. 813; J. Corbett, *Eng. in Mediter.* (London, 1904), p. 480.

² *Acts of Privy Council* (Unbd. Paps.), p. 93; C. C., 1702, p. 226; 1702-3, pp. 128, 661; 1704-5, p. 340.

the united Provinces can obtain bullion, whilst the Spanish galleons are enabling France to supply specie." England acceded to this request and colonial observers soon reported a most gratifying increase in their trade, a merchants' paper claiming, "in less than a year we have had from the Spaniards in bullion by the modestest computation 1,200,000 pieces of eight," and prophesied that if the trade were protected it would greatly increase.¹

Both the English and French displayed a lively interest in the West India trade. Admiral Sir George Rooke vainly sought, after his happy Vigo adventure, to intercept galleons. The lack of concrete advantages gained in the South Sea areas led to more serious reflections on the Dutch and on the inefficiency of the English navy.² Despondency respecting the navy was happily relieved by the unexpected capture of Gibraltar, and entirely forgotten in Marlborough's crowning glory at Blenheim. These two gratifying successes, however, came so early, and apparently so easily, that they tended to create Anglo-Dutch jealousies and center attention upon Flanders and the Mediterranean rather than upon the Caribbean, although it must be conceded that the English disappointments in the

¹ *C. C.*, 1704-5, pp. vii, 69; Godolphin Papers, Add. MSS. 28,058, f. 31; *House of Lords MSS.*, 1706-8, p. 310. "Foreign trade (by which alone riches are increased) has now so great an influence on the Government of the world, that it ought to be the peculiar care . . . to encourage and promote it, especially in these islands [West Indies]." *Letter to a Member of Parliament concerning Trade* (1707), p. 1.

² Murray, *op. cit.*, vol. I, p. 504, vol. IV, p. 178; *C. C.*, 1703-4, p. 75; Torrington's *Memoirs*, p. 171; *C. S. P. Dom.*, 1703-4, pp. 520, 535, 547; Blackley, *op. cit.*, pp. 416, 452, 740; *House of Lords MSS.*, 1742-4, p. 500, 1704-6, p. 88. The Duke of Shrewsbury noted: "I find it confirmed . . . Rooke has taken four of the Spanish galleons designed for the Indies." "It had been better," the duke grumbled, "had [he] the good luck to have met with those who were coming home and that I hear are got safe to Cadiz." The Earl of Petersborough also complained because the navy spent too much time in fruitless galleon-hunting. W. Cobbett, *Parliamentary Hist.* (London, 1810), vol. VI, p. 952; *House of Lords MSS.*, 1706-8, pp. 127, 231. "I must confess," wrote the governor of Jamaica, "I was dissatisfied at Captain Allen's misbehavior in running away from the two French merchant ships, one of 46 guns, worth 100,000,000 of livres, the other of 26 men with 100 barrels of indigo and a great deal of money." *C. C.*, 1708-9, pp. 54, 214, 287.

South Sea, together with the unfriendly attitude of the Dutch and Imperial authorities, contributed to the same end.

Yet successes in that area would have been of the greatest value in weakening Louis XIV's resistance. Nor did it seem exceptionally difficult, inasmuch as the Spanish colonists at first were too suspicious of France to permit her to do much in defending the vulnerable points in the West Indies. English colonial administrators fed this fear through their insinuations that Louis was sending a few ships at a time until he had a sufficient force to seize Cartagena or Havana. At the same time the Spaniards in the West Indies were assured that if they accepted Charles III, "shaking off the avaricious and devouring French Batt", England would even assist them in retaining their economic position.¹

Adopting such a policy for a season, the English attempted to gain control in the Spanish West Indies through diplomacy rather than war. John Methuen, negotiator of the treaty which converted Portugal for a century into a political and economic satellite of England, was most anxious to conciliate influential Spaniards, offering "some of the queen's ships to go with them," to carry the same message to their own colonials. Anne herself promised to send over a squadron superior to that of France and commanded her West India governors to inform the Spanish colonial authorities that she would gladly convoy their galleons safely to Spain. The queen also instructed the governor of Jamaica to win over the Spanish colonists and asked Charles III to send over influential Spaniards to coöperate.² Truly a beautiful dream! Yet it might have become a reality but for the disaster which befell the allied cause at Almanza in 1707. Throughout the previous year, English and colonial authorities expressed continual concern at the growing strength of France in the West Indies, and the increased bold-

¹ *C. C.*, 1706-8, pp. 16, 99; N. Mesnager (probably Defoe), *Negotiations* (London, 1717), pp. 5-11. See also Abbé Raynal, *Hist. of East and West Indies* (trans., Edinburgh, 1792), vol. III, p. 321; Lediard, *op. cit.*, p. 806.

² *Marlborough MSS.* (Hist. MSS. Com. Rep., vol. VIII), pp. 33, 44; *House of Lords MSS.*, 1706-8, p. 369.

ness of her privateers in attacking English seaports on the American mainland.¹

Such complaints of the ineffectiveness of the British navy swelled into a crescendo in the autumn session of Parliament (1707), when the Whig junto joined the Tories in attacking the Admiralty—a slight suggestion that the political influence of the commercial bourgeoisie was a force to be reckoned with the moment it felt its shipping really endangered through the lack of suitable convoys. The outstanding fact in the debate, however, was the insistence of the opposition that the ministry should change the emphasis in the war from Flanders to Spain and the South Sea, and it is, perhaps, significant as well as interesting that the queen attended this fiery debate incognito.² From this it is clear that the aggressive West India merchants would welcome the organization of a company to protect more effectively their economic interests.³

To silence somewhat such embittered assaults upon the Admiralty, the government endeavored to stimulate the activity of West Indian privateers and planned to send more powerful squadrons to the New World. The Board of Trade was assured that if France were prevented from trading to Lima and the Caribbean, English trade "would soon be "flourishing." The government was asked in fact to remove France from America, the West Indies, Canada and Newfoundland. One colonist insinuated that "if the Spaniards suffer patiently the french to goe sharers with them in the Peruvian trade, its equally reasonable that the English should aim at getting some of the Mexican."⁴

¹ Charlevoix, contemporary Jesuit historian, complained that the New Englanders caught all the fish off Acadia and monopolized the West India market with them. *Hist. of New France* (Shea trans.), vol. V, p. 201. The importance of the commercial interests in the West Indies becomes evident from an examination of the *Calendars Colonial*, particularly for 1706-8.

² James, *op. cit.*, vol. III, p. 300; [D. Jones], *Compleat Hist.* (1711), p. 455. See also Add. MSS. 17677EEE, f. 37; *N. Y. Col. Docs.* (O'Callaghan ed.), vol. V, p. 31; *C. C.*, 1706-8, pp. 9, 160, 506.

³ "I have solicited some merchants and found some willing to adventure to settle a factory to carry on the Spanish Trade, which is the most profitable in the known world." Memorial (printed 1706). *C. C.*, 1706-8, p. 114.

⁴ *C. C.*, 1708-9, *passim*; James, *op. cit.*, vol. III, p. 359; Murray, *op. cit.*, vol. IV, p. 143.

An added reason now appeared for increasing British activity in the South Sea—the Union with Scotland. Since the collapse of the ill-starred Darien venture, the Scots had been inconsolable. Smarting under their heavy losses, and seeing themselves rapidly distanced economically by England, they eventually accepted the terms of the Union, largely in the hope of recouping themselves through their admission to full economic privileges in England and her colonies. This is manifest in Paterson's plan of finding compensation for their Darien losses, by trading to the South Sea under the British flag. Because of the early successes of the Royal African Company, and the "mighty profits" usually associated with the slave trade in the West Indies, he felt that Parliament should provide for a trading company in the New World, "as the western plantations and the English factories in Africa . . . are now [1702] the main support of England, and what enable that nation to make that figure in the world it now doth."¹

Paterson clearly foreshadows the English Asiento, the South Sea Company, and the struggle over the Caribbean during the negotiations later at Utrecht. Defoe and Hugh Chamberlen, lately court surgeon and author of the Land Bank scheme, also sensed the need for a South Sea Company. Definite action on this idea may have been delayed partly on account of the dismissal of Robert Harley from the ministry in 1708. Fortunately, interest in colonial affairs did not lapse for long, as his successor, urged by the British colonists, soon decided to send a large force to assist the mainland colonists in capturing Canada, although he was forced at the last moment to divert the force to Portugal.²

New England and New York, as soon as they heard this discouraging news, began preparation for another expedition and

¹ Paterson's *Writings*, vol. I, p. 27, vol. III, pp. 9, 24. D. Defoe, *Hist. of the Union* (London, 1786), p. 313; *A Letter to a Member of Parliament concerning Trade* (1707), p. 5.

² C. O. 5/9, No. 24; C. O. 5/898, No. 3; *Parliamentary Hist.*, vol. V, p. 994. See also C. C. 1708-9, pp. 56, 486, 559. "What seems absolutely necessary, especially for Jamaica," wrote one colonist to the Board of Trade, "is to remove the French from among our settlements in America." *Ibid.*, p. 319.

a delegation of Indian chiefs was sent to wait on the queen to enlist her support. Although the Indians aroused much public interest, the political upheaval in England during the summer prevented any ambitious enterprise in the New World that year, although Torcy heard that Peterborough would set out, probably to conquer some area in Mexico, "*d'y établir un commerce avec les Indiens du pays.*"¹ Autumn brought the Tories into power almost at the same moment the New Englanders were capturing Port Royal in Acadia.

An aggressive campaign in the South Sea during 1710 may also have been delayed by the hope that peace might be made at Gertruydenberg. Louis XIV's position was truly precarious, due to the British capture of Minorca, the victories of Marlborough and failing credit. The allies might at this time have made a more advantageous peace, perhaps, than they did three years later, had they not overreached themselves. The negotiations broke down, it is important to observe, largely because France refused to compel Philip of Anjou to evacuate Spain and the Indies, or as the Dutch States General recorded: "The restoration of Spain and the Indies, with their dependencies, being the foundation and essential part of the negotiations, the allies would not continue in any uncertainty concerning it."²

Peace parleys closed just before the advent of the new Tory ministry. Although Harley and St. John, the new leaders, were both exceedingly anxious for peace, they desired, while negotiations were pending, to emphasize in true Tory style the naval phase of the war with particular reference to the colonies, in the hope that they might at the same time check the flow of bullion from the New World into the coffers of Louis,³ and by capturing some places in Spanish America gain valuable diplo-

¹ C. P. A. (Paris), p. 230, f. 421; W. T. Morgan, "The Five Nations and Queen Anne", *Miss. Valley Hist. Rev.*, Sept., 1926; *Downshire MSS.*, p. 877.

² Register of States General, *Annals* (1710), vol. IX, p. 27; J. F. Chance, *Brit. Diplom. Instns.: Denmark, 1689-1789* (Camden Soc., 1926), p. 25; D. Defoe, *Appeal to Honour and Justice* (1715).

³ In March, 1710, a rich flotilla contrived to reach Cadiz. Add. MSS. 17677 DDD, f. 434. Du Clair [Ducasse?] was reported as "bound for Brazill to possess themselves of an island or some other place where there are gold mines." *C. C.*, 1710-1, p. 98.

matic pawns in negotiating peace. Friedrich Bonet, the astute Prussian secretary in London, reported:

Le nouveaux Ministère reproche au vieux de ce qu'il n'a pas travaillé à se prévaloir des conditions stipulées par le Traité de la Grande Alliance qui parle que les Anglois demeurant Maîtres de ce qu'ils occuperont dans les Indes Occidentales pendant la guerre qu'on entreprendoit pour le reconnoissement de la Monarchie Espagnole.

Colonial clamors for the capture of Canada could no longer be denied, even in the face of serious military disasters in Spain. Harley's interest in the South Sea had been thoroughly aroused by Paterson, Godolphin, and Defoe. St. John, the versatile secretary of state, had also a vision of empire, and discerned at once why France clung so tenaciously to the Caribbean area. "The French are wise enough to take care of that part, 'tis from thence that they know they may depend on a compensation for all the poverty and distress which the war has brought or can bring upon their nation."¹

Secret overtures to France for peace went on hand in hand with naval and colonial schemes. Godolphin had scarcely been dismissed before secret advances were made by the English ministry to Abbé Gaultier, a French spy at that time chaplain to the Countess of Jersey and also, *mirabile dictu*, to His Excellency, the Imperial ambassador in London. Soon thereafter, St. John began preparations for conquering Canada, and

¹ Dispatch, Sept. 4, 1711, G. S. A. (Berlin), Rep. XI, 73, Conv. 37; G. Parke, *Corr. . . . Bolingbroke* (London, 1798), vol. I, p. 7. Chamberlen (p. 370) made the same complaint. See also Swift, *Conduct of the Allies* (T. Scott ed.), vol. V, p. 79; *Annals*, vol. X, p. 151; *Portland MSS.*, vol. IV, p. 652. Lediard, a contemporary historian, also realized (p. 834) that capturing the Spanish galleons would deprive Louis XIV of his financial resources. See also [Gibson], *Compleat Suppl.* (London, 1729), p. 11. In fact some years later it was claimed that French trade in the South Seas during the war was sufficiently profitable to repay the French war debt: J. B. Botsford, *Eng. Sea. in 18th Cent.* (N. Y., 1923), p. 168. Admiral A. T. Mahan calculated the French returns from Spanish-American trade (1701-1716) at £40,000,000 in specie: *Influ. of Sea Power, 1660-1783*, p. 218. See also Dahlgren, *op. cit.*, pp. 77, 314.

Harley turned his attention to the Caribbean,¹ two movements nicely synchronizing with the preliminary peace negotiations.²

To assure its continuation in office, the new ministry must do two things, and quickly: improve credit and secure peace. A more aggressive campaign in the New World, particularly in the West Indies, might well advance both. England was staggering under heavier taxation than ever before, and becoming thoroughly weary of a war that had degenerated into a policy of watchful waiting, since Louis XIV refused to risk another battle against Marlborough. Peace was most necessary, too, because the overthrow of the Whigs, who were supported by the moneyed classes, had brought with it a dangerous decline in credit,³ accentuated, moreover, by the impoverished condition of the treasury at the time of the dismissal of Godolphin, in whom the financiers placed implicit confidence.

Harley's plan for improving credit was, therefore, doubly difficult, and necessitated the greatest haste in its execution. Already, before Godolphin's disgrace, two Whigs, the Duke of Newcastle, England's wealthiest landowner, and Lord Halifax, one of her financial geniuses, were deep in Harley's plans. As Harley deliberated, England entered a financial panic. A wave of speculation, accompanied by the organization of questionable insurance companies had brought on a crash almost simultaneously with the change of ministry. Harley, faced with a crisis, was advised by John Drummond, his confidential

¹ C. P. A. (Paris), 235, f. 411; *Portland MSS.*, vol. IV, p. 652; G. L. Wickham-Legg, *Diplomatic Agents of England and France* (Oxford, 1909), p. 33. As marines had embarked for the Indies — C. P. A. (Paris), 230, f. 97 — even before Harley was actually in office, the new secretary of state demanded information relative to the force necessary to protect the West Indies — State Papers, Domestic: Entry Book, 110, f. 9.

² For the possible relation of these two projects, see the author's article in *Hispanic American Historical Review*, May, 1928.

³ C. P. A. (Paris), 230, ff. 281, 285; *ibid.*, 233, ff. 79-116, *passim*; J. Arbuthnot, *Law is a Bottomless Pit*, Pt. I. The Whigs expected Harley to fail in establishing public credit: [D. Defoe], *Account of the Conduct of Robert, Earl of Oxford* (London, 1714), pp. 31, 49. See also O. Weber, *Der Friede von Utrecht* (Gotha, 1891), p. 73.

agent at Amsterdam to "send all his fleet bound for the West Indies."¹

Speed, therefore, was the first requisite, if public credit were to be retrieved. Harley seriously considered Drummond's suggestion, while Paterson again called his attention to the Spanish Indies. "We ought to insist to have . . . Newfoundland . . . Canada, and . . . two or three cautionary places in South America from Spain until the repayment of at least some of the vast expenses we have been, and still must be at, for the recovery of that monarchy to the house of Austria." Harley now recalled the secret treaty between England and Charles III, granting English subjects the same privileges in the West Indies as the Spanish, particularly the right of going every year with ten ships, each of 500 tons burden, to any part of the West Indies.² These merchant vessels might also be convoyed by warships as long as the latter carried no merchandise. This treaty, together with Paterson's letter, clearly suggest the Asiento, which Philip of Anjou had already granted to France.

*Nous sommes pareillement chargés d'offrir et assurer aux deux puissances [Marlborough was informed], non seulement les mêmes avantages pour le commerce d'Espagne et des Indes, dont elles ont jouie pendant le règne du feu roi Charles II, mais encore tous tels autres que la Reyne de la Grande Bretagne et les États Généraux estimeront nécessaires pour le bien de leur sujets et maintien la perpetuelle alliance entre les trois nations.*³

From the beginning of the war, English merchants had been jealous of this French privilege, which Philip had supplemented by other commercial concessions.

Harley, therefore, with the Asiento and the value of the South Sea trade in mind, planned to improve credit. A suc-

¹ C. P. A. (Paris), 230, f. 284; *Portland MSS.*, vol. II, p. 217, vol. IV, pp. 560, 578.

² Add. MSS. 22294, ff. 14-5; *C. C.*, 1708-9, pp. 120, 228; *Portland MSS.*, vol. IV, p. 583. See Paterson's *Writings*, vol. III, p. 24.

³ Translation of a letter (in Spanish) by Duc d'Albe and Comte de Berghwick, Aug. 15, 1709: Murray, *op. cit.*, vol. IV, p. 577.

cessful expedition to the South Sea might, by capturing important territory or a few richly laden galleons, do much to improve the financial position of the government. In the peace negotiations with France, already in train, Harley emphasized the Asiento, concerning which he probably had a gentleman's agreement with Louis XIV.¹ His claims to the slave trade would, moreover, be measurably strengthened by a successful attack upon the Bourbon possessions in the Caribbean. From this it must have been easy to pass to commercial concessions and plans for a South Sea Company to take them over. Any hopes Harley may have entertained of capturing Bourbon territory in the Indies were wrecked largely because of the Dutch failure to coöperate, as the English navy was not sufficiently strong to attempt the task alone. France had a considerable force in the West Indies which she was busily strengthening, and she had been able to fortify both Havana and Carthagena. Meanwhile rumors persisted of an English expedition against the West Indies, a project which Prince Eugene favored to prevent France from "drawing yearly so great a treasure."²

When Parliament opened late in November, 1710, Anne's speech from the throne clearly indicated a change of emphasis in the war from Flanders to Spain, and called attention to the perilous condition of public credit, which may well have been intended to prepare the way for the South Sea Company.³ As a beginning, however, Harley made arrangements for two lot-

¹ When Harley formed the South Sea project, "it was the opinion of many . . . he had verbal assurances given him that France and Spain would grant to the Company, either some settlement, or at least a free trade in the Spanish West Indies, provided a peace were concluded whereby king Philip should remain in possession of the monarchy of Spain." P. Chamberlen, *Impart. Hist. of Reign of Queen Anne* (London, 1738), p. 384.

² Rawlinson MSS. (Bodleian), C. 392, f. 182; Parke, *op. cit.*, vol. I, pp. 18, 25, 34, 83; N. Luttrell, *A Brief Relation of State Affairs, 1678-1714* (London, 1857), vol. VI, p. 608. Despite their failure to assist in the West Indies the Dutch realized the importance of the policy and complained because nothing was done! *Annals*, vol. IX, App. i, pp. 20, 23.

³ *C. C.*, 1710-11, pp. 307-310; *Annals*, vol. IX, p. 256. See also *C. O.*, 388/14, M. 69.

teries totaling over three millions, which, though highly successful,¹ served to arrest only slightly the decline in stocks. Consequently, more ambitious measures became imperative, if the ministry were to remain in power.

The expedition was already on its way to conquer Canada, and possibly after that it might go on to the West Indies. French fears were aroused. Pecquet, secretary to the French Foreign Secretary, Marquis de Torcy, noted that if England ever secured a foothold in Spanish America, she would soon be entirely mistress there—

on y verroit en peu d'années un grand nombre des habitans des ports fermés, et le plus grand entrepôt du monde des manufactures d'Europe et d'Asie, dont les Anglois fournissent les royaumes du Perou et du Mexique . . . Ce raisonnement portoit sans contredit que soixante millions d'or et d'argent sortant annuellement des mines seroient l'objet et la fruit de leur industrie.²

Pecquet also thought that Jamaica desired above everything else direct commerce with Peru, from which the English had drawn indirectly a considerable revenue for thirty years.

For similar reasons Paterson urged Harley to go forward with the plans for trading to the South Seas, for the benefits which France had reaped from it—

are a sufficient argument for undertaking it, and the weariness of a peace will not afford any reason to slacken our preparations . . . This trade may prove the speediest, if not the only means of procuring peace to Europe. It may be the sinews of war as the South Sea trade is the fountain of supply to France. The consequence is obvious; and the public and private interests are so interwoven that quickness of returns being considered no trade can compete with this.³

¹ Bonet's Dispatch, Feb. 20, 1711, G. S. A. (Berlin), Rep. XI, 73. Conv. 37; *Portland MSS.*, vol. V, p. 464; [D. Jones], *Compl. Hist.* (London, 1711), pp. 115, 212, 276. Curiously enough, the floating of a lottery scheme also preceded the founding of the Bank: *C. S. P., D.*, 1695, p. 262.

² C. P. A. (Paris), 233, ff. 29, 75-82.

³ Paterson, *Writings*, vol. III, p. 291. A contemporary pamphleteer asserted that this project, "which had drawn us into all the misery and folly", could

In keeping with such suggestions, Harley introduced a bill for a South Sea Company, which was soon transformed into a law.

In the meantime Abbé Gaultier carried secret overtures of peace to Louis XIV, and Admiral Sir James Wishart went to the Grand Pensionary to ask for Dutch coöperation in a joint attack upon the West Indies. The former mission succeeded; the latter failed. Louis grasped eagerly at the English suggestion, although it became clear at once that the question of the Spanish Indies would be a crucial one in the negotiations. Torcy noted that the object of the English ministers "*étoit d'obtenir pour sûreté quelques places aux Indes, . . . Gibraltar ou Corogne, enfin Port Mahon dans la Méditerranée.*"¹

As the secret parleys continued through the early months of 1711, Harley's demands for trading privileges in Spanish America increased because he realized that only through them could his company flourish. Through the Board of Trade, he was in close touch with English merchants interested in the Spanish trade, and the rumors of a West India expedition increased apace. The utmost confusion as to the destination of Admiral Sir Hovenden Walker's force prevailed. Spain, Mexico, Cuba, Porto Bello, Peru and Canada were all suggested in London coffee houses. Harley now insisted upon both commercial concessions and treaty ports in the Caribbean. In this he was supported by St. John, who complained that although France liberally promised Gibraltar, no mention was made of the West Indies. When Louis late in April advanced specific

not possibly succeed, and would do England no good even if it did. "The present proposals of peace", he concluded, "or any future proposals of what kind soever that should leave Spain and the Indies to the House of Bourbon ought by every true Englishman to be rejected with indignation." *Remarks on Present Negotiations of Peace* (1712). Spain and the West Indies "must either be taken from the House of Bourbon, or these islands must soon lose their trade and their liberties are not of a very much longer continuance." *Our Ancestors as Wise as We* (1712). See also the memorial of Bothmar, Hanoverian envoy at St. James, and a *Letter from a Merchant in Amsterdam* (1712). Peterborough and Shrewsbury were also skeptical. *C. C.*, 1708-9, p. 452; T. Somerville, *Hist. of Reign of Queen Anne* (1798), p. 414.

¹ Gaultier's "Verbal report," C. P. A. (Paris), 232, f. 129; Anne's "Secret Instrns. to Sir James Wishart," Jan. 14, 1711, Parke, *op. cit.*, vol. I, p. 23; Dahlgren, p. 624.

promises as a basis for the negotiations, Article I provided, "*que les Anglois auront des sûretés réelles pour exercer désormais leur commerce en Espagne, aux Indes, et dans les ports de la Méditerranée.*" Immediately, England required a clear statement of "*sûreté réelle*," but Louis steadfastly refused to be explicit as to the guarantees for English commerce in the Spanish West Indies.¹

As soon as the Anglo-French preliminaries were agreed upon, they were reported to the Hague, and St. John instructed the English minister there to play up to the article providing "*une barrière suffisante pour la sûreté de la république d'Holland,*" that the Dutch might forget "*la sûreté de commerce de cette nation.*" Fears of Dutch hostility, the stabbing of Harley, and the sudden deaths of the dauphin and the emperor probably seriously delayed floating the company. Yet the need for action was doubly urgent. Credit was sinking; peace negotiations at a standstill. Harley, fighting not only for his physical but his political life, had arisen from a sick-bed to launch his program for a South Sea Company; two days later Walker started for Canada. The English negotiators meanwhile insistently demanded the Asiento and four cautionary towns, two in North America and two to the southward, together with the most-favored-nation status in the East Indies.² Such concessions would do much to further the prospects of the company, while Walker's expedition, generally suspected of having the Caribbean as its objective, contributed directly to the same end.

The plan for organizing the company was satisfactory to the financiers, and its possible connection with the slave trade and the gold and silver mines of Spanish America tended to attract small investors. The project was in reality an extension of

¹ Parke, *op. cit.*, vol. I, pp. 106, 110, 352; vol. II, p. 194. C. P. A. (Paris), 233, ff. 36-47, 214, 232; 235, ff. 202, 251, 311; Baschet Transcripts (P. R. O.), 197, f. 354; C. O. 388/14, M. 69.

² Torcy's "memorandum", C. P. A. (Paris), 233, ff. 249, 456; Torcy, *Mémoires*, vol. III, p. 52; F. E. Ball, *Corr. of Jon. Swift* (London, 1910), vol. I, p. 254; J. R. Robinson, *The Princely Chandos, A Memoir of James Brydges* (London, 1898), p. 24.

credit along somewhat modern lines, although to the conservative eighteenth-century moneyed men it may have suggested the extreme of frenzied finance. Its purpose, as set forth in the act, appeared manifold. "For making good beneficiaries and satisfying the public Debt, and for erecting a Corporation to carry on a trade to the South Seas, and for the Encouragement of the Fishery, and for Liberty to trade in unwrought Iron with the Subjects of Spain; and to repeal the Acts for registering Seamen." It provided for organizing a company to fund the floating debt amounting to more than nine millions, which was guaranteed six per cent interest. This company was granted a monopoly of the South Sea trade, and government securities would be accepted at par in payment for stock.¹

The project was received with a general acclaim in England. Fortunately, too, for Harley's plans, British trade had prospered during the year 1711, making it much easier to secure support in funding the debt at a fair rate of interest. The debt itself was for the time enormous, and finding the interest upon it, a distinct challenge to the Tory ministry. Coupling the debt and the trade to the South Sea was a tempting bait to the Whig moneyed interests, buttressed as they were by the Bank and the East India Company. When the latter organization protested and asked to be heard before the Commons against the bill, there is a suggestion that Harley may have intimidated them. The South Sea scheme was the first successful attempt of the Tories to win the support of the moneyed classes, which they retained until the treaty of Utrecht caused these financiers once more to take fright. The entire policy, moreover, was in perfect keeping with the Tory doctrine of utilizing the navy to strengthen England's political position; perhaps it might, at the same time, decrease the land taxes of the English aristocracy by securing additional revenues from the Caribbean.²

¹ 9 Anne, c. 15 (c. 21), *Statutes of Realm*, vol. IX, p. 424; Torcy, *Mémoires*, vol. III, p. 36; Roscoe's *Harley* contains a curious error in quoting from the act.

² C. P. A. (Paris), 230, f. 205; *Pol. State*, vol. I, pp. 447-9; W. Coxe, *Memoirs of Sir Robert Walpole* (London, 1798), vol. II, p. 2; *Annals*, vol. X, p. 152. In this connection, see also a *Letter to a Member of the October Club* (1711).

The Queen was to name the directors of the company for the first year. Harley, now Earl of Oxford, was appointed governor; Sir James Bateman, a prominent financier, whom the *London News* reported as subscribing 200,000 francs, deputy-governor; and Blount, who had successfully managed the lottery, secretary. The directors were some of the outstanding moneyed men of England. Among the wealthier were Sir Theodore Janssen, Sir Richard Hoare, Sir John Lambert (recently created a baronet), Samuel Shephard and Christopher Bouerie. The last named was a business associate of the Harley family and Lambert's baronetcy came as a result of his successful work in preserving credit. The temptation to exchange stocks listed below 70 for the South Sea stock at par was too strong to be resisted.¹ Particularly was this true when it was noised abroad that England would secure the Asiento, and was negotiating "*d'obtenir pour sûreté quelques [4] places aux Indes et [1] dans le Continent de L'Espagne.*" Even Louis XIV's reluctance to make any promises on behalf of his grandson did not dampen their ardor, although it became generally known that France was rapidly expanding her trade in the Caribbean "to the great advantage of the inhabitants."²

Such rumors as the Dutch heard of the secret negotiations relative to the Asiento increased their jealousy and made them altogether reluctant to support a joint expedition. L'Hermitage, Dutch secretary in London, reported that the fleet (probably Walker's) had gone to Panama to seize two places to facilitate English commerce and interrupt that of Spain in the area.³ As soon as subscriptions to South Sea stock seemed to be going well, thrift caused the Dutch to think more favorably of the company, which even the Imperial representatives in London mentioned with approbation. The rapidity with which the subscriptions were filled was partially due, perhaps, to the

¹ L'Hermitage's dispatches, Add. MSS., 17677EEE, f. 216, 219; C. P. A. (Paris), 235, f. 302; *Portland MSS.*, vol. II, p. 248; *Polit. St.*, vol. II, p. 248.

² C. P. A. (Paris), 235, ff. 251, 311; C. C., 1711-2, pp. 15, 22; *Portland MSS.*, vol. V, p. 1. See also J. W. Gerard, *Treaty of Utrecht* (N. Y., 1888), p. 198.

³ Add. MSS. 17677EEE, f. 228; *Portland MSS.*, vol. V, p. 2. The petition of the Dutch Council of State is printed in *Annals*, vol. X, App., p. 17.

current belief that an English expedition had gone to the South Sea. During October the stock rose from 69 to 88, and "*on espère que si notre escadre peut faire quelque port de l'Amérique que ce soit, que cela encouragera beaucoup ce commerce, et fera augmenter le prix des actions.*"¹

In the meantime, Matthew Prior and Nicholas Mesnager, a Rouen merchant, had been drawn into the secret negotiations because the question of *sûreté réelle pour notre commerce aux Indes*, continued to give trouble. Prior insisted that England should have actual possession of some ports in both the Americas, frankly admitting that she expected to fortify them and control the trade as a recompense for the "prodigious expense we have been at in continuing the war," which was exactly in keeping with Paterson's suggestions somewhat earlier. The English ministers hoped that the islands when settled would annually bring to the English large sums from Mexico and Peru, and Prior told Torcy that he looked upon the cession of four places as indispensable for the continuance of negotiations, and they would never be missed in the vast extent of Spanish America, extending from the Straits of Magellan to California. Torcy replied that Louis XIV was preparing terms most reasonable "*mais pour les places, Monsieur, vous croyez qu'il ne s'accordera jamais.*"²

As peace negotiations languished, subscriptions to the company's stock continued. They got about four millions immediately and soon had six millions in sight, which the ministry considered one of the "wonders of Her Majesty's Most Glorious Reign."³ Meanwhile, many persons in England, even those in high position, firmly believed that Walker had gone to the West Indies. The French were clearly nervous and prob-

¹ C. P. A. (Paris), 235, ff. 304-5; Bonet's dispatch, July 9 (O. S.), G. S. A. (Berlin), Rep. XI, B. 39; Hoffman to the Kaiser and Kaiserin, July 7 and 10, Staats-Archiv (Wien), England, B. 65; *Portland MSS.*, vol. V, p. 48.

² Prior's "Negotiations," *Portland MSS.*, vol. IV, p. 583, vol. V, pp. 35, 38; Paterson's *Writings*, vol. III, p. 24; C. P. A. (Paris), 235, f. 385; *Parliamentary Hist.*, vol. VI, p. 1022; *Annals*, vol. IX, p. 369.

³ C. P. A. (Paris), 235, ff. 302, 304; *Polit. State*, vol. II, p. 52. The Dutch secretary felt that the amount would all be subscribed before the end of July. Add. MSS. 17677EEE, f. 262.

ably attributed Prior's unbending attitude even in the presence of the Grand Monarque himself, to British hopes of success in the Caribbean, and to Harley's interest in the Asiento. Despite French assertions that they could give no assurances for the cession of security places, which would bind Philip of Anjou, England insisted upon such guarantees and demanded that each nation should retain such territory as it held at the signing of peace.¹

Under such conditions the South Sea Company was born. It received some setback at first through the miscarriage of the Quebec expedition and the delay in the signing of peace. Otherwise it appeared to succeed from the outset, and did much to improve credit. In its inception, it was not only a financial measure, but a tempting pawn in the diplomatic game; it was not only a move to dish the Whigs, but also a bid for the support of the moneyed group. Finally, it was a scheme to utilize credit as never before in England, lighten the taxes of the landed class and, if peace negotiations failed, wrest from the Spanish Main sufficient bullion to defray the cost of the war. The scheme was politically, and perhaps economically wise, and had it not later been so closely tied up with the national debt in an era of wildest speculation, Robert Harley, Earl of Oxford, might perchance have ranked beside Godolphin, the younger Pitt, Peel and Gladstone as one of England's great finance ministers. Not to him alone goes the credit, however, for the ideas he put into practice were those of Chamberlen, the mid-wife, of Paterson, the financier, and of that most versatile genius, Daniel Defoe.²

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¹ C. P. A. (Paris), 233, ff. 177, 202, 220, 230; Swift, *Four Last Years* (F. Scott ed.), pp. 68, 153. Prior assured Louis XIV that he would find England "prête a faire toute pour la paix qui puisse consister avec l'honneur de la nation et la sûreté de leur commerce en Amérique," because Harley was personally interested as the originator of the company. *Mémoires*, vol. III, p. 52. See also "Mémoire concernant deux propositions que fait le Sieur Mesnager touchant la sécurité du commerce des Anglois en Amérique." C. P. A. (Paris), 237, f. 147.

² *Portland MSS.*, vol. IV, pp. 18, 150, 300, 391; vol. V, pp. 2, 10, 30, 50, 58, 66.

JOSÉ BONIFACIO, THE NEGLECTED FATHER OF HIS COUNTRY, BRAZIL

IT is no more possible to discuss Europe in the first fifteen years of the nineteenth century without mentioning Napoleon than it is to discuss the history of modern Brazil from 1822 to the present time without writing about José Bonifacio de Andrada e Silva.

Yet historians have slighted Bonifacio in a most amazing fashion. Ignorance as an excuse for this neglect on the part of unbiased scholars is not a tenable explanation since Armitage¹ and Handelmann,² writing respectively in 1835 and 1860, definitely assigned a great rôle to Bonifacio in the history of Brazil.

Brazilian historians may have neglected him in the past, but that is no longer the case. Since 1922, when the centenary of Brazilian independence was celebrated, a deluge of documents, essays, monographs, dictionaries and books has appeared on the movements of 1821, 1822 and 1823; many of these deal at length with Bonifacio, and all of them reveal, as never before, how ubiquitous was Bonifacio's direct and indirect influence in the most momentous period of Brazilian national life. Despite the overwhelming evidence of contemporary documents and the unstinted and uncontrolled praise of modern Brazilian writers, many works appearing or revised since 1922 still slight the "Father of Modern Brazil", as he is called by many.

There are probably two outstanding factors, among others, contributing to this neglect of Bonifacio. One is the language barrier. Portuguese seems to be a stumbling block even to scholars who can handle Spanish well. The second is the lack of appreciation of Brazil's place in the history and development

¹ Armitage, *The History of Brazil* (2 vols., London, 1835 and 1836).

² Handelmann, *Geschichte von Brasilien* (Berlin, 1860).

of Latin America. The *number* of Spanish-speaking nations, terms such as *Hispanic* American, the proximity of Spanish-speaking countries to the United States, the absence in Brazil of great military heroes like Bolivar, San Martin and Sucre, the monarchism of Brazil from 1822 to 1889—all may have contributed to a lack of interest in Brazilian life and institutions. How else can one explain the neglect of one of the greatest figures America has turned out?

Bonifacio, son of a Portuguese nobleman and of a distinguished Paulista mother, was born in Santos, the seaport of the present coffee state of São Paulo, in 1765. He was proud of being a Paulista, the pioneer in most of the progressive movements of Brazil. First taught by his father, later, according to the custom of the day, when seventeen years old he was sent to the University of Coimbra in Portugal, where he obtained degrees from the faculties of Philosophy and Jurisprudence. He specialized in mineralogy and metallurgy.¹

While a student he cultivated his poetical and literary talents. As a boy he had composed many poems and in Portugal his literary ability was greatly admired. He is included in Sylvio Romero's "*History of Brazilian Literature*"² and his work is criticized there as though he were merely a great figure in the realm of polite letters. When exiled after performing his great work for Brazil, in Bordeaux, under the name of Americo Elysio he spent most of his time composing verses of real literary merit. To say the least, he was versatile.

It was, however, as a scientist that he won European renown. After his graduation at Coimbra he was commissioned by the Portuguese government to make a scientific expedition in Europe. He traveled from 1790 to 1800. And what years for a trained observer! Bonifacio was a true scientist in that he used his talents for the observation of all natural phenomena

¹ For the life of José Bonifacio see: Sylvio Romero, *A História do Brasil* (Rio de Janeiro, 1892); *Diccionario e Enciclopedia Internacional*, Editor, Jackson (New York).

² For Bonifacio, the writer, see: Sylvio Romero, *Compendio de História da Literatura Brasileira* (Rio de Janeiro, 1909).

and not only for those of his specialty. This will become clear in a study of Bonifacio's ideas. He visited France, Germany, England, Sweden, Denmark and the Tyrolese mines. It is unnecessary to enumerate the types of government and experiments in government he had an opportunity to observe. On this trip he formed friendships with some of the greatest minds of the day. Alexander von Humboldt was always eager to refer to Bonifacio as his friend and carried on a correspondence with him. Bonifacio worked with Volta, Priestley, Lavoisier and others. He was made a member of the Society of Research of Berlin, of the Natural History and Filomatic Society of Paris, the Geographical Society of London, the Mineralogical and Linnean of Jena. He studied at the University of Freiburg. While in Sweden he discovered several minerals until then unknown and contributed articles to many scientific magazines. He wrote mainly concerning minerals, their exploitation, etc., and showed even in these highly scientific productions that practical sense which was a marked characteristic of his whole life and work. One article in particular on the "Reforestation of the Monodego" showed not only the universality of his interests and knowledge but his great insight into the relation of natural and sociological phenomena. The relation of Bonifacio to Humboldt will serve more than anything else to indicate his rôle. He represented the modern spirit of Europe and was one of its most effective and intelligent apostles.

In 1800 he returned to Portugal as a professor at the University of Coimbra. He occupied other official positions such as supervisor of mines and chief of police of Cintra, and led a corps of students against French troops when Napoleon invaded the peninsula. In 1812 he was made secretary of the Academy of Sciences and Letters of Lisbon. In 1817 he made a remarkable speech in honor of the queen, of which only one sentence interests us. In speaking of Brazil, he says, "What a land for a great and vast Empire!" showing that he had not only not forgotten his native land but must have thought of her destiny and of her possibilities. In fact, a modern historian makes the comment that Bonifacio's faith in Brazil was his greatest attribute.

After an absence of many years, Bonifacio in 1819 returned to his native land and devoted himself to study and research, only to be caught in the whirlwind of the great events that occurred in 1821, 1822 and 1823, of which he became the center, the director and the controlling mind. It was he who organized the Junta of São Paulo; it was he who persuaded the prince to remain in Brazil; it was he who led the prince and advised him; it was he who called for deputies of the various provinces; it was he who made Dom Pedro the Grand Master of the Apostolado, a lodge founded by Bonifacio. This lodge was in favor of a monarchical government while the lodge from which it broke away was republican in spirit.

Bonifacio and his two distinguished brothers ruled Brazil for the eighteen most momentous months of Brazilian history. It was he who laid down the basis of organization and also the most vital policies followed by Brazil in the solution of her most difficult problems. The three great changes in Brazilian life were, because of Bonifacio, bloodless, more the result of evolution than revolution. Brazil escaped the direful effects of the American Revolutionary War, of the French Revolution, and of the American Civil War because what these accomplished by blood was accomplished peacefully in Brazil. It was Bonifacio who met the Brazilian problem with a Brazilian solution. He did not make the mistake made by the Spanish-American republics of adapting the constitution of the United States as a remedy for their ills, which produced, as Professor William R. Shepherd puts it, "political indigestion". Brazil had no dictators, no great civil wars, no great revolutionary upheavals. Her evolution was slow but sure, and nearly always progressive. Bonifacio knew his people, their traditions and customs, their psychology, the land. He understood the system of production; he knew what was going on in Spanish America; he knew what had happened in France. He understood the real significance of slavery and of the Indian problem; he knew the meaning of democracy and how futile it would be in Brazil at that historical moment; he knew that there was as yet no Brazilian nationality, no national cohesion; he realized that extremely intelligent measures would have to

be used to bring order out of chaos. He was arbitrary, human, and loved power—as a result he was exiled.

Probably the most reliable of the witnesses who lived in Rio during at least part of the time that Bonifácio walked the stage was Armitage,¹ referred to above. Even though he was closer to the trees than modern historians, Armitage saw the forest more clearly than they. He wore no nationalist spectacles; his vision was not blurred. He refers to himself as the impartial chronicler when he sums up the services of the Andradas to Brazil: "Their views were ever great and their probity unimpeachable. It was by José Bonifácio that the uncertain and inconstant resolutions of Dom Pedro were irrevocably fixed. . . . They retired from office undecorated and in honourable poverty." And in summing up the ten years of Dom Pedro I's reign he makes these significant comments:

His accession to the throne was in all probability the means of preserving Brazil from an anarchy even more fatal than that which has hitherto been the fate of the Spanish colonies. Any premature attempts to establish a republic must have led to a sanguinary and protracted war in which the slave population would have taken up arms, and havoc and desolation would have been spread over the fairest portion of South America. . . . The regimen to which the people were accustomed was monarchical and the monarchy was the best instrument to introduce that civilization which was wanting.²

That Bonifácio was very much respected by his enemies is revealed by the very animosity of the leader of the Portuguese troops in Brazil, General Jorge de Avilez. The ardor of his wrath is in itself a pretty compliment; he refers to Bonifácio as the "naturalist who suddenly becomes a politician . . . whose language is unison with that of the demagogues of all time and of all places . . . hiding behind a mask of *patria*, constitutions,

¹ Armitage, an Englishman who resided in Brazil, took up the history of Brazil where Southey left off, and has two volumes covering the period from 1808 to 1835.

² Armitage, *op. cit.*, vol. II, p. 138.

hatred of tyranny, and other terms with which revolutionary dictionaries abound."¹

Even in the Portuguese Cortes his movements were watched and commented upon. Borges Carneiro, a member of that body, said:

There [i. e. in Brazil] one man alone, José Bonifácio de Andrada e Silva, with the energy of his character improvises land and sea armaments, finds resources in abundance, and throws us out of doors with the least ceremony possible. We waste our time talking and do nothing but register the insults we receive from Brazil.²

Fortunately for future historians, some of the European diplomats in Brazil were not only conscientious but shrewd observers. It is only natural that the governments of Metternich and of Ferdinand VII should watch with keen interest the various steps of the movement in Brazil. The representatives of these two countries paid Bonifácio the great compliment of singling him out as the subject of long reports. Almost daily they registered their observations of his actions, his opinions, and the opinions of others concerning him. Consciously and unconsciously they reveal that they considered him the key to the whole situation. Baron Marschal³ calls Bonifácio a man "of much grace" and says that it was due to him that the Junta of São Paulo adhered immediately to the Regency established by the King. On another occasion he comments, "José Bonifácio is going very far," i. e., towards independence.

José Delavat y Rincon, Spanish Minister in Rio, writes to his chief in Madrid,

The majority of sensible persons with whom I have talked

¹ Laudelino Freire, "Aceitação do Título de Defensor Perpetuo do Brasil pelo Principe D. Pedro," in *O Anno da Independencia*, Tomo Especial (Rio de Janeiro, 1922) of the *Revista do Instituto Historico e Geographico Brasileiro*. Also, "Ministerio de José Bonifácio" by Arthur da Rocha Pinto.

² Oliveira Lima, M. de, *O Movimento de Independencia, 1821-1822* (São Paulo, 1921), p. 185.

³ *Documentos para a historia da Independencia*, vol. I (Bibliotheca Nacional do Rio de Janeiro, 1923).

. . . believe the Prince to have made a mistake when he dismissed the Andrada ministry. . . . It is believed the Prince will have to recall them.

Andrada and his brother exercise a great influence in the Legislative Assembly of which they are members.¹

To show the popular appreciation of Bonifacio and his brothers, the following quotation from the petition to the emperor requesting their reinstatement in the ministry is significant not only because of the content but because almost every class of Brazilian is represented among the signers. There are fifteen and one-half pages of signatures. The following are represented: druggist, priests and bishops, officers of the army, business men, professors, government officials, grocers, artisans, shoemaker, surgeon and students. Some sign for themselves and family, or for a club, or for themselves and friends. The petition in part reads as follows:

The people of the capital and province, lovers of the great cause of the Empire of Brazil . . . swear that the dismissal of the well loved citizens José Bonifacio and Martim Francisco de Andrada e Silva is detrimental to the greatness and progress of the movement for independence of this growing but rich and vast empire. Their knowledge of things political, their literary renown, their honor, the confidence they have inspired among foreign powers, their patriotism and love . . . have made them the anchor (with your Majesty) of this Empire. Removing them threatens us with confusion, anarchy, desolation, despotism and civil war.²

To those who know Brazil of today, and something of the Brazil of the twenties of the last century, and to those who know Brazilians and Latin psychology, every one of the following quotations contains a noteworthy sentence. Bonifacio's ideas on education and athletics sound like those of present-day, practical-minded, non-poetic Anglo-Saxons. One must compare him with the other liberators of his day to get a truer

¹ *Ibid.*, p. 444.

² *Ibid.*, pp. 402 et seq.

and better perspective on his philosophy. He reveals throughout his whole life a stark realism, and his policies and plans, therefore, are generally feasible and practicable. He had dug into real earth too long as a geologist to waste much time in reaching for unattainable clouds. He was an idealist, but his idealism was based on a foundation of reality and did not dangle footless from some beautiful star. His training as a scientist, his keen powers of observation,¹ and his cosmopolitan experience precluded loose and superficial thinking on social and political problems. He knew that it was just as impossible to transform copper into gold by a mere thought process as it was to make aristocratic Portuguese, illiterate slaves and savage Indians into intelligent democrats. In comparing him with Washington, San Martin and Bolivar, one notes that Bonifacio was not a soldier, nor did he lead armies.

In 1822, when Brazil had to strike out on her own as a free land, these were the great problems she had to solve.

1. Constitution of a government for a people with no experience in self-government, composed of three races and mixtures of those races, who lived in an enormous territory, with different climates and systems of production. Add to these factors the decentralization of colonial administration and the incipient dissolution produced by the decrees of the Cortes in 1820.

2. A slave population which was far greater than the white. There were 1,930,000 slaves, 1,000,000 whites, 260,000 civilized Indians and 526,000 mulattoes or free negroes.² The slaves seemed indispensable to the plantation owners. To the enlightened Bonifacio this problem and the civilization of the Indians were only second to the constitution of a government.

3. A large Indian population of about 800,000, of which only 260,000 were civilized.³ Bonifacio considered both the

¹ Sylvio Romero, the great Brazilian critic, refers to his keen powers of observation.

² Albert Galloway Keller, *Colonization* (New York, 1906).

³ *Diccionario Historico Geographico e Ethnographico* (Rio de Janeiro, 1922, Inst. Hist. e Geog. do Brasil), pp. 240 *et seq.*

negro and the Indian as integral parts of the population and part of the patrimony of *free* Brazil.

It was to the solution of these great problems that Bonifacio bent every effort. The great glory of Bonifacio is that his solution in each case was the one adopted. For the first, he demanded a limited constitutional monarchy—one was established; for the second, he preached the gradual emancipation of the slaves—the slaves were emancipated gradually; and for the third, he proposed a comprehensive plan for the intelligent civilization of the Indians—and his plan was adopted later.

In explaining why he chose a monarchical solution for Brazil, he had in mind the peculiar needs of his people. He knew their weaknesses and had the courage to point them out. This is shown in the following quotations. The first is taken from the correspondence of Baron Marschal, the Austrian diplomat, as quoted by Lima.

Bonifacio's program includes material improvements, construction of roads and canals, the impartial administration of justice, abolition of the slave trade, good schools, and the improvement of the race by means of gymnastics and athletics for the physical improvement of the youth of Brazil.¹

The Brazilians are enthusiastic supporters of a beautiful ideal, friends of their own liberty and do not give up easily the privileges they have once won. . . . Ignorant because uneducated but talented by nature . . . capable of great deeds as long as concentration is not required and as long as continued and monotonous effort is not demanded; sexually passionate because of climate, life and education. They undertake much but finish little.²

They accuse me of having planted the monarchy, yes, because I saw that the customs of the people were eminently aristocratic; because it was necessary to get the support of the old families and the wealthy men who detested and feared the demagogues; because Portugal was monarchical, and the Brazilians imitative monkeys. Without the monarchy there would have been no

¹ Oliveira Lima, *O Movimento, etc.*, p. 200.

² Vicente Licinio Cardoso, *Figuras e Conceitos* (Rio de Janeiro, 1924), p. 225.

center of strength and union and without this the nation could not have resisted the Portuguese Cortes and could not have achieved her national independence.¹

Bonifacio was very much aware of the distracted state of the Spanish-American republics which were struggling with a form of government for which they were not prepared by temperament or by education. He remembered what he had seen while in France and recalled it to the Constituent Assembly in the notable speech reported by Armitage:

José Bonifacio dilated on the unfortunate condition of Spanish America for 14 years involved in civil war; he dwelt on the sufferings of France, assuaged only by the return to a monarchical form of government; and after alluding to the present distracted state of the Peninsula concluded in the following words: "As far as my voice can go, I protest in the face of the present assembly, and of the entire people, that we will form a constitution not democratic but monarchical and I myself will be the first to concede to the Emperor that which is really his due."²

Bonifacio's ideas in regard to slavery and the aboriginal population are found in two monographs, "Apontamentos para a Civilização dos Índios" and "Representação a Constituinte Sobre a Escravatura", both found in a document of the Department of Agriculture of 1910.³ He anticipated Lincoln in preaching that a democracy cannot live half-free and half-slave. The problem of slavery in Brazil was settled as in no other

¹ Arthur da Rocha Pinto, quoting Martim Francisco, grandson of José Bonifacio, in *O Ministério*, p. 93.

² Armitage, *op. cit.*, vol. II, p. 120.

³ *Homenagem a José Bonifacio no 38º Anniversario da Independencia do Brasil—Inauguração do Serviço de Protecção dos Índios* (Ministerio de Agricultura, Rio de Janeiro, 7 de Setembro de 1910). This pamphlet contains the two essays by Bonifacio on Slavery and on the Civilization of the Indians. There is an interesting introduction by General Rondon paying tribute to Bonifacio and stating that the program for the civilization of the Indians was, with few exceptions, precisely that outlined by Bonifacio. Rondon's only criticism of Bonifacio was that he was not a follower of the "incomparable master August Comte."

country. It was abolished gradually and without bloodshed. The very close relationship of slavery to the monarchy and to colonialism is the subject of a detailed study being carried on in this country and in Brazil by a Columbia Fellow, Mr. Rüdiger Bilden. He has been kind enough to allow me to use certain parts of his excellent and scholarly manuscript. His trenchant statements are the result of careful thought and research. And yet he has no hesitation in saying, "Indeed the ultimate effect of his very fruitful political, scientific and literary activities mark him as the greatest personal factor in the gradual abolition of slavery and in the transmutation of Brazilian energy from which evolved the Brazil of today."

Bonifacio tore down the humanitarian arguments for the defense of slavery by showing its inconsistency with Christian teaching and with the teachings of Liberty, Equality and Fraternity. He found slavery incongruous in a state organized on the basis of popular sovereignty. He understood the moral effects upon society of the presence of large numbers of slaves and of slavery as an institution upon the economic and political life of the nation. He says:

But how can there be a liberal and lasting constitution in a country inhabited by an immense multitude of brutal and hostile slaves?

It is time and more than time that we end a traffic so barbarous and cruel; it is time that we should begin to end slavery gradually until it is absolutely eradicated . . . so that in a few generations we may have a homogeneous nation, without which we shall never be free, respected and happy.

It is absolutely essential that we end such physical and social heterogeneity . . . harmonizing . . . discordant elements into a whole . . . which will not crumble at the least touch of political commotions . . .

Luxury and corruption appeared in Brazil long before civilization and industry, and what is the cause of such a frightful phenomenon? Slavery, gentlemen, slavery, because he who lives on the earnings of his slaves lives in indolence, and indolence brings vice in its wake. Blind cupidity, however, says that slavery is necessary in Brazil because its people are flabby and lazy. They most certainly lie.

He used these humanitarian arguments because he knew there was a class of Brazilians who could be enlisted in a crusade against slavery only on idealistic grounds. In his arguments on the economic unsoundness of slavery Bonifacio showed how far ahead of his day he was and how clearly he understood the relation of slavery to national development. Incidentally, of course, the only argument which could convert slave owners to emancipation would be the economic, and therefore Bonifacio set out to break down their misconceptions of slavery as a paying business. He spoke of the immense capital invested in slaves who die, who get ill and who become useless, an investment incommensurate with the profits received.

The labor of slaves in Brazil does not produce the profits with which lazy and fantastic persons deceive themselves.

. . . It either makes one mad or laugh to see twenty slaves carrying twenty sacks of sugar which could be carried in one or two well built wagons drawn by two oxen or mules.

. . . Twenty slaves require twenty hoes, all of which could be saved by one plow.

. . . The state loses because without slavery owners would use more intelligence and industry in caring for the patrimony of the nation.

. . . Our woods full of precious lumber . . . would not be destroyed by the murderous axe of the negro or by the devastating flames of ignorance.

. . . Cochin China has no slaves . . . and yet produced enormous quantities of sugar in 1750 . . . without the necessity of destroying the forests and sterilizing the soil as unfortunately is occurring with us.

Bonifacio realized full well that an abrupt freeing of the slaves was impossible, and he made it a cardinal part of his policy that they be freed gradually. In the many articles of the program he prepared for the assembly he has this gradual emancipation in mind. He says:

I do not wish to see slavery abolished abruptly . . . such an event would bring great evils . . . it is necessary first to make them worthy of freedom.

. . . Make the negroes free and proud, give them incentives, protect them, they will reproduce and become valuable citizens.

He proposed the intermarriage of the negroes and the other races. That has gone on in Brazil, and Brazil has no "race" problem. Brazil emancipated its slaves gradually and compensated the slave owners. When slavery was finally abolished in 1888 there was no bloodshed. The monarchy which depended on slavery fell the next year.

The third great problem Bonifacio set out to solve was that of the wild Indian. The introduction to the essay on this problem is by General Candido M. da Silva Rondon, the present-day apostle to the Indians of Brazil. The occasion was the inauguration in 1910 of the service of protection of the Indians—part of the ceremony was an homage to Bonifacio because this service was based on Bonifacio's program. Rondon says:

The process and the measures recommended by José Bonifacio to realize such a high aim are essentially the same adopted by the Regulation (June, 1910), where the dignity, habits and institutions of the Indians are respected religiously, as well as their life, family and property.

To attract them to the enjoyment of our civilization, the Regulation uses the same means recommended by the Patriarch.

The recommendation never to *force* the Indians to leave their errors and bad habits or force them to heavy and monotonous labors, but better to win their sympathy, friendship and trust, caring for their temporal and physical welfare, is scrupulously respected and followed in the Regulation.

Bonifacio's analysis of Indian psychology and development remind one of Boas's explanations of the conditions that influence the constitution of a population, "heredity, environmental influences and selection". It is unnecessary to recall the fact that Bonifacio lived in the day when race and blood were the universal explanations or excuses for inferiorities and superiorities of, or differences among, peoples. About the Indians of Brazil he says:

Man in the savage stage . . . in Brazil must be lazy; he has

few or no needs . . . he has no idea of property, no desires for distinction, no social vanities, which are the powerful springs which put civilized man into action . . . he is stupid . . . [because] everything which does not concern immediately his physical conservation . . . escapes his attention . . . But the most apathetic man must satisfy his physical and indispensable needs . . . he must repel force with force . . . war becomes a necessity and a pleasure . . . thence come inveterate hatreds, desires for revenge, and unbridled atrocities.

Bonifacio then makes some general remarks on the process of civilizing the Indian.

The Jesuits knew that with presents, promises and clear and sane reasons, given by practical men in Indian languages, they could do with the savages what they wished. . . . The Indian is a "mere automaton" whose springs can be set in motion by example, education and benefits. . . . They hate us . . . because with the pretext of making them Christians we have done and are doing them great injustices and cruelties.

He proposes in forty-four¹ articles the means for civilizing the Indians. He describes fully the machinery he would set up to accomplish his high aim. It is impossible to reproduce it here because time and space forbid. Every step is marked by common sense, practicality and thoughtfulness for the Indian and for the white alike. Some proposals, such as those relating to intermarriage, seem extreme, but he is careful to recommend all sorts of safeguards to avoid disagreeable results. He develops a system of checks and counter-checks so as to guarantee that the Indian will not be exploited. He is equally anxious that the white too shall not be deceived or injured by the Indian or discriminated against by the government in behalf of the Indian.

Some of these articles are so startling in their modernity that I quote them in full.

1. Justice—purchase their God-given lands.
2. Kindness, consistency and patience on our part.

¹ *Homenagem etc.*, as cited above.

3. Trade with savages even at a loss.
7. Send trained missionaries . . . because it was crass ignorance, not to say brutality, to wish to civilize and domesticate Indians by force of arms, with soldiers and officers, mostly without sense, prudence or morality.
8. To get virtuous, prudent and educated missionaries it is necessary to guarantee them the proper salaries and necessary privileges.
14. It is necessary to arouse their curiosity [i. e. of the Indians] and to give them exalted ideas of our power, knowledge and wealth. It would be expedient for missionaries to take an electrical apparatus . . . to make beautiful and curious experiments in their presence.
20. Besides schools for the three R's, schools of arts and trades.
21. Avoid abrupt changes of climate which increase mortality. Choose healthy places. Accustom them slowly to new types of work and to new foods.
25. Missionaries should introduce plows to lighten burdens of farming.
26. Missionaries should take all precautions to avoid famines.
28. Banks which will pay interest on Indian savings.
35. Vaccination, etc., etc.

Bonifacio was not "a prominent republican politician of Brazil", as he is described in Roosevelt's book, *Through the Brazilian Wilderness*. He was neither a republican nor a politician. He was much more.

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A SURVEY OF BRITISH POLICY IN THE FASHODA CRISIS

THERE is nothing more likely to impeach the doctrine of the "inevitable" in human affairs than the surmounting of an exceptionally grave international crisis without war. The long-accumulated exasperation engendered by the colonial rivalry of France and Great Britain during the last decade of the last century should, if we weigh the strength of historical forces, have produced a terrific explosion over the question of the possession of the Upper Nile. Seldom, even to the present day, are French and British writers so consistently at variance as when they treat the merits of the Anglo-French controversy over Fashoda; and it was clearly due to no recognition of a moral solution of the question that the dispute failed to provoke a war. The recent publication of volume I of the *British Documents on the Origins of the War, 1898-1914* enables us to gauge the temper of the Salisbury Ministry during the fateful months of September and October, 1898, and throws fresh light upon the determination of the outcome. But rarely has a struggle been so fraught with complications, political, geographical, and juridical; and, until the archives of the Quai d'Orsay and the Pavillon de Flore are thrown open to the investigator, there is much in the preliminaries of the struggle that must continue to remain obscure. Particularly is this true of the evolution of French policy in the Sudan; for frequent changes of ministries¹ led to as many revisions of plans, and there was sometimes even a painful want of cohesion between the various ministerial departments.²

It is not necessary to the purpose of this article to give more than a brief survey of the dramatic struggle which led to "Fashoda". The abandonment of the Egyptian Sudan by

¹ From May 30, 1894, to the close of the Fashoda crisis in November, 1898, there were six ministries.

² See Schefer, *D'une guerre à l'autre*, pp. 203, 228.

the Gladstone Ministry in 1885 left the advantage of possessing the Upper Nile and its tributaries to the first European Power which chose to extirpate Mahdism and establish "effective occupation"¹ of the debatable territory. Just east of the watershed between the Congo and the Nile, and watered by numerous tributaries of the latter, lay the densely-wooded region, once lightly controlled by Egypt,² known as the Bahr-el-Gazal, considered of much potential value³ save the eastern portion which comprised a broad stretch of fever-ridden morass extending to the edge of the Nile.

The motives of the French designs on this region were various. "The idea of spanning Africa from west to east . . ." as one colonial minister has confessed, "prevailed in France for several years."⁴ Some, no doubt, like the explorer de Brazza, were hoping to force the whole Egyptian question into the crucible;⁵ while even the more moderate imperialists espoused a policy of "penetration", designed to give France a favorable position before seeking a settlement by negotiation. Since by her treaty with Leopold in 1887 France got the frontier of the Congo State fixed well to the south of the Bahr-el-Ghazal, it may be presumed that she already cherished the thought of occupying that region, and apparently some such design was contemplated by de Brazza three years later.⁶ Not, however, until 1893, when Théophile Delcassé became under-secretary

¹ Although this condition, laid down by the Act of Berlin, applied only to coastal regions (see Hertslet, *Map of Africa by Treaty*, vol. II, p. 485), the application of so useful a precedent to the Egyptian Sudan seems to have been assumed by both sides in the subsequent discussion over Fashoda.

² See the interesting article of Dehérain, "L'Occupation égyptienne du Haut Nil" in *Revue des Deux Mondes*, vol. CL, pp. 182 *et seq.*

³ Felkin, "The Soudan Question", *Fortnightly Review*, vol. LXXIV, pp. 483 *et seq.*

⁴ Lebon, "La Mission Marchand et le Cabinet Méline", *Revue des Deux Mondes*, vol. CLVIII, p. 276.

⁵ In February, 1895, de Brazza was quoted as saying, "L'accès par le Sud de la vallée du Nil est le seul moyen qui permettra un jour de trancher conformément à nos intérêts la question d'Égypte." *Bulletin du Comité de l'Afrique française*, 1895, p. 83.

⁶ Liotard in *Le Temps*, October 7, 1898.

of the colonies, did the idea take definite shape; and Colonel Monteil, one of the most daring of French explorers, was then designated for the task of heading an expedition to Fashoda on the Nile. Yet this first project died stillborn.

Meanwhile Leopold had pushed his outposts into the forbidden region, and, while France was engaged in trying to bring him to terms, a check came from an unexpected quarter. The British government, which had already barred Germany and Italy from the upper Nile valley, concluded in May, 1894, a convention with the Congo State, conferring upon Leopold a lease of most of the Bahr-el-Ghazal during his lifetime. Such a move was not only a thrust across the path of French expansion; it bespoke the right of Egypt—and, thereby, Great Britain—to take possession at some future time. France promptly protested on various grounds, including the fact that the Sultan of Turkey, as the khedive's suzerain, had given no sanction to the transaction; and, when Great Britain, deciding that she had been over-hasty, released Leopold from the agreement, France made in August her own bargain with Leopold, which fixed the northern frontier of the Congo State at the river Mbomu.

The renewed energy of France had been due to Delcassé, now minister of the colonies, and to the new foreign minister, Gabriel Hanotaux. Now that the way was clear once more, orders were sent in September, 1894, to M. Liotard, lately appointed commissioner of the Upper Ubanghi, to occupy the Bahr-el-Ghazal with a view eventually to pressing forward to the Nile. As a matter of fact, Liotard's resources were insufficient to enable him to do more than consolidate French possession of the Mbomu; and Monteil, whose order to join him had been countermanded, concluded that it was intended that "our expansion should pursue in the future a less rapid course."¹ Speaking somewhat later in defense of his policy, Delcassé stressed the importance of holding the line between the Congo and the Mbomu;² of the Nile as an objective he

¹ Monteil, *Souvenirs vécus*, p. 121.

² Séance du 2 mars, 1895, *Annales de la Chambre des Députés*.

uttered no word.¹ It may be suspected, perhaps, that the "colonial party" had been held in leash by a stronger hand. The policy of Hanotaux, as he has told us, was to prevail upon the British to negotiate a treaty of delimitation, and it was not his fault that the Dupuy cabinet failed to make the most of a British overture in the fall of 1894.² The French were still some five hundred miles from the Nile; while from the side of Uganda Colonel Colville, acting commissioner of that colony, was engaged in strengthening its defenses by a punitive expedition at the point where the Nile leaves Lake Albert.³ Such were premonitions of the coming storm.

Before long the battle of conventions and diplomatic bargaining was succeeded by a battle of orators. On February 28, 1895, an ardent imperialist, François Deloncle, impressed it upon the Chamber of Deputies that the way to the Nile was open, and that, though France did not meditate conquering territories belonging to the sultan, she intended to be in a position of vantage in the event that Great Britain evacuated Egypt, as she had promised.⁴ Was this a challenge to British good faith? One wonders. At all events, so imprudent a declaration (which had followed close upon a similar utterance of de Brazza's⁵), coupled with vague rumors of French activity on the Upper Nile, soon brought the question before the House of Commons.⁶ To an inquiry as to whether the British sphere

¹ M. Reynald suggests (*L'Œuvre de M. Delcassé*, p. 13) that Delcassé was not in sympathy with the more ambitious aims of French imperialism. Granting that that is true, he was at least an opportunist—unless we are to suppose that he was at times a tool of the more aggressive element.

² Hanotaux, *Fachoda*, pp. 88-90.

³ Fox-Bourne, "The Uganda Protectorate and its Relation to the Sudan", *Imperial and Asiatic Quarterly Review*, third series, vol. VII, pp. 326-7.

⁴ Séance du 28 février, 1895, *Annales de la Chambre des Députés*.

⁵ See page 55, note 5.

⁶ Freycinet suggests (*La Question d'Égypte*, p. 403) that perhaps the brilliant personality of Monteil, who had been sent to the Ivory Coast, led the British to suspect that an expedition to the Nile was on foot; but Grey himself informs us (*Twenty-five Years*, vol. I, p. 19) that the British cabinet did not believe the rumor, though he felt that some such warning as he gave might prevent the forming of such a plan.

covered the whole of the Nile, Sir Edward Grey, then under-secretary of the Foreign Office, responded rather cryptically, "No, but the Egyptian and British spheres together cover the whole course of the Nile."¹ Interpellated again on March 28, Grey then made his famous declaration in which he warned France that, in view of the "claims we may consider we have under past agreements and the claims which we consider Egypt may have in the Nile valley", the advance of a French expedition into that region "would be an unfriendly act and would be so viewed by England." Here was certainly a case of diplomacy *aux mains nues*; and so public a pronouncement was hardly atoned for by the foreign secretary's subsequent efforts to tone down his subordinate's language.² Since France had never, like Italy and Germany, recognized the British sphere on the Upper Nile, she could hardly be expected to submit to a unilateral decision; and Hanotaux, speaking to the Senate on April 5, protested warmly against the British pretensions and the language which had accompanied them, though he added that, provided the rights of the sultan and khedive were respected, France and England should be able to arrive at an agreement. It was doubtless because the rights of Egypt might some time be revived—rights which France did not propose that England should liquidate alone—that the French government was later so stirred³ by the news of the "march to Dongola".

Unfortunately the struggle was soon to enter on its third phase, a race of expeditions. The Salisbury ministry, which came into office in July, 1895, began toward the end of the year to consider the notion of reconquering the Sudan, and the idea of an expedition to Dongola was even broached to the French government. Again, it seems, Paris distrusted British

¹ *Parliamentary Debates*, fourth ser., vol. XXXI, 781-2.

² Kimberley told the French ambassador that the British claim might be accepted or not—it was an open question—and he looked forward to the day when Great Britain would end her occupation of Egypt and its attendant responsibilities. The French and British versions of this affair are both summarized in Gooch, *History of Modern Europe*, pp. 273-4. Grey's declaration was criticized by Labouchère (who followed him in the debate) as "amounting to a quasi-declaration of war against France": *Parl. Deb.*, vol. XXXII, 418.

³ See Hanotaux, *op. cit.*, pp. 102-3.

overtures, and the opportunity was allowed to slip.¹ Yet this suggestion of renewed activity on the part of the rival across the Channel determined the sending of Captain Marchand on his celebrated anabasis to Fashoda. It was, according to the tenor of his instructions (dated February 24, 1896), to be a "peaceful penetration", chief reliance being placed upon friendly natives (whose expected coöperation may doubtless account for the slender force confided to Marchand), while, still further to make the effort seem innocuous, the captain was subsequently subordinated to Liotard, who was duly informed that "the mission cannot be considered a military enterprise". If not "military", its purpose was almost certainly political. As a matter of fact, Liotard was expected to take care of all dervishes in the rear of the "explorers", while an attempt to enlist the aid of Abyssinia might have succeeded, but for unforeseen circumstances.² After all, the real significance of the project lay in the concluding portion of Marchand's instructions: "if we are to anticipate Colonel Colville on the Nile, it is necessary to get there first."³ All this was, of course, unknown to the British government, which at last took the step in March, 1898, of ordering Kitchener's advance to Dongola—a move which France had endeavored to get Turkey to prevent,⁴ and in which the parliamentary opposition discerned ulterior objects.

By April, indeed, the mask was off, and, with the victory of Omdurman and the capture of Khartum, the British had effectually broken the power of the Khalifa, and had definitely set foot on the debatable region. But meanwhile Marchand had at last come to the end of his laborious pilgrimage. On July 10 he had reached Fashoda. It was more than three months later—on September 20—that the famous "incident" took place, when the initial danger of war was averted by the

¹ Hanotaux, *op. cit.*, pp. 101-2. The overture was obviously prompted by the desire to get the expenses of the expedition defrayed by the Egyptian treasury—a plan which France easily frustrated.

² Details are given in Lebon, *op. cit.*, pp. 285-93.

³ *Ibid.*, p. 279.

⁴ *Die Grosse Politik der Europäischen Kabinette, 1871-1914*, vol. XI, no. 2725.

cool resourcefulness of the two commanders. It is a curious irony that the village which became the focus of attention in the coming struggle was all but hidden by tropical reeds. "A more dreary and uninviting place (so ran a British consular report) it is impossible to conceive."¹

Although the French occupation of Fashoda was a surprise to the general public, the British government had not been entirely unprepared for this event. On September 7 Delcassé, now minister of foreign affairs, had informed Sir Edmund Monson, British ambassador at Paris, that Kitchener might meet Marchand on the Nile, but that the captain had been told that any "question of right" must "appertain exclusively to the competence of the British and French governments."² Anticipating the probability of such a meeting (for the French were already known to be in the Bahr-el-Ghazal³), Salisbury had written Cromer on August 2 that "nothing should be said or done which would in any way imply a recognition on behalf of Her Majesty's Government of a title to possession on behalf of France or Abyssinia to any portion of the Nile valley";⁴ and to Monson on September 8 he declared that "all the territories which were subject to the Khalifa passed to the British and Egyptian governments by right of conquest."⁵ Thus, while Delcassé looked forward, *à la mode d'Hanotaux*, to an amicable negotiation, the British government had decided that the question was not susceptible to discussion. It was a hazardous beginning for a diplomatic duel. To Delcassé, who had ignored a German overture some months ago,"

¹ *Accounts and Papers, 1899, Egypt, no. 5, p. 11.*

² Monson's words: *Brit. Docs.*, vol. I, no. 188; cf. *Livre jaune: Affaires du Haut Nil*, no. 3 (cited hereafter as *Livre jaune*).

³ The progress of the Marchand expedition was noted, for example, in *Bulletin du Comité de l'Afrique française*, Jan. 1898, p. 4. In its issue of Jan. 6 the *Times* took note of some letters (published in the *Temps*), in which the expedition was represented as about to pass into the Nile valley. The *Times* promptly reminded its readers of Grey's declaration.

⁴ *Brit. Docs.*, vol. I, no. 185 (already printed in *Egypt, 1898*, no. 3).

⁵ *Ibid.*, no. 189.

⁶ Bourgeois and Pagès, *Les Origines et les responsabilités de la guerre*, p. 375; cf. Schwertfeger, *Die Diplomatischen Akten des Auswärtigen Amtes*, vol. III, pp. 26-27.

the situation might well have furnished material for reflection.¹

One thing which undoubtedly hindered any adjustment of the pending question was its intricacy. Not only were the premises of the two contestants fundamentally divergent, but neither had adhered consistently to its own position, and there were, besides, some questions of fact on which evidence was scanty. It would hardly be profitable to follow the diplomatic debate in any chronological sequence; yet one cannot well ignore the legal aspects of the controversy, if, for no other reason, than that they provided the fodder for public opinion.

The British position was, at least, as a French writer has expressed it, one of "absolute simplicity".² Fashoda had been a possession of the Khedive's, and title was not lost by the fact of its conquest by the Mahdi. Hanotaux himself had recognized that the Sudan belonged to Egypt, and Great Britain was, of course, acting in Egypt's name. Kitchener had taken the Mahdist capital (Khartum), which implied the recovery of sovereignty over the whole of the lost province; and, anyway, penetration of the Sudan by a handful of men (saved, indeed, by Kitchener's timely victories) could hardly be regarded as "effective occupation". Moreover, the Upper Nile lay within the British sphere of influence, which Germany had recognized in a convention that France had not disputed. But the kernel of the British argument was that the territory in question belonged to Egypt, and was recovered for Egypt, and Great Britain had duly warned the French government against any intrusion into this region. Again and again British despatches, speeches, and editorials cited Grey's declaration as though it formed a postulate of unquestionable validity.

Naturally enough, the French diplomats could not admit the British claim to prohibit French soldiers from occupying terri-

¹ Without any special reference to Germany the *Bulletin du Comité de l'Afrique française* (1898, p. 60) had already remarked, "La préparation diplomatique d'une entreprise comme celle que nous poursuivons sur le Bahr-el-Ghazal est encore plus importante que sa préparation technique. L'une sans l'autre pourrait n'être qu'une aventure." New in his present office, Delcassé, as Schefer points out (*op. cit.*, p. 222) was something of an amateur in diplomacy.

² Caix, *Fashoda*, p. 257.

tory on the plea of a sphere which Paris had never recognized; and, in any event, the expedition of Marchand was an offshoot of Liotard's activities, set on foot long before Grey's declaration. It was denied that the occupation was not "effective"; French posts had long been established in the Bahr-el-Ghazal (so Kitchener's victories had no bearing there), and the size of Marchand's forces was no indication of his strength, as there was considerable native support on which he could draw. The capture of Khartum was all very well, but Fashoda had actually been taken first, and Marchand's success had contributed to make Kitchener's decisive. But the main French contention was that the Bahr-el-Ghazal was *res nullius*. The Mahdi had dispossessed Egypt of the Sudan, and the British government had deliberately induced its abandonment. The notion that Egyptian sovereignty lay dormant during the fourteen years of Mahdist occupation was held by the French to be untenable. Moreover, if the British contended that Egypt's territories could not be dismembered, it was to be recalled that Great Britain herself had appropriated the equatorial province, besides trying to deliver the Lado district to Leopold.¹ Finally, if Egypt did have uncontestable right to all these lands, by what right should Great Britain pronounce judgment instead of Egypt herself, or the suzerain Power, Turkey? This was, of course, raising the Egyptian question, and conveyed a threat which France could always venture, if driven into a corner.

It was, of course, futile to suppose that either side would be subdued by dialectics; and, indeed, the position of each was vulnerable enough to be readily assailable. While France was in no way bound to recognize a British demarcation of a British sphere, she had, herself, espoused the rights of both the sultan and the khedive, when Hanotaux had made his famous rejoinder to Grey's declaration; and it is at least rather doubtful if the possessory rights of Egypt had been automatically

¹ Monson told Delcassé, who brought up this point, that he was "not authorized to discuss the question of right." *Brit. Docs.*, vol. I, no. 214; cf. *Livre jaune*, no. 13. When Courcel pointed out to Salisbury that France had as much right to touch the Nile as the Belgians, the premier reminded him that Leopold's possession was for life only. *Egypt*, no. 3, 1895, no. 1. This was obviously begging the question.

terminated by the mere fact of her dispossession by an insurgent movement, now clearly on the wane. Yet Great Britain was on weak ground when she claimed the territory for Egypt—first, because she had more than once disregarded Egypt's rights herself, and secondly, because her position in Egypt was but an arbitrary *fait accompli*, unsanctioned by the Powers, and admittedly provisional. It is a little curious that France herself had not grasped the strategic advantage of acting also as the self-appointed mandatory of the nominal lords of the Sudan.² Such procedure, besides stealing some of the British thunder, would have placed the question on a basis which the British would have hesitated to dispute. But it would seem that France was not disposed to risk a battle over the Egyptian question, if only Great Britain would allow her a reasonable solatium for the mistake she had made in 1882. As a British writer puts it, "Not able . . . to enter the Nile region by the front door, France tried to enter from the rear."³

But, whichever side may have had the better legal case, the immediate question was not so much one of argument as one of tactics. Delcassé, notwithstanding German opinion to the contrary,⁴ was surely justified in feeling that French sentiment would hardly tolerate the immediate recall of Marchand at the dictation of the adversary. Might not the British ministers come to realize, themselves, that insistence on such a demand would not only render compromise more difficult, but be more than likely to provoke war? "Do not drive me into a corner,"⁵ he is reported to have begged; and it was not in vain that the London correspondent of the *Matin* wrote of the prevalence in British circles of the dreaded word, "ultimatum"⁶

¹ An article in the *Bulletin du Comité de l'Afrique française* (1896, p. 107) had gone so far as to say: "Nous sommes persuadés que nous serions d'aussi bons dépositaires des droits de l'Égypte sur le Bahr-el-Ghazal, que l'Angleterre au Caire, à Dongola, et à Khartoum."

² W. H. Dawson in Ward and Gooch, *History of British Foreign Policy*, vol. III, p. 250.

³ See *Die Grosse Politik*, vol. XIV, no. 3911.

⁴ *Brit. Docs.*, vol. I, no. 198.

⁵ *Matin*, Sept. 18.

Clearly what the French diplomat wanted was to negotiate a treaty, by which France should obtain access to the Nile—not essential for commercial reasons (since Great Britain did not usually raise economic barriers), but an all-important concession to French vanity—or, at the very least, the recognition of her claim to the bulk of the Bahr-el-Ghazal. To this end, the possession of Fashoda was the visible sign of the long and persistent pressure of French claims; though it must be understood that every utterance of Delcassé was couched in a conciliatory tone. In the meantime, he deliberately played for time by insisting that he must await Marchand's report before agreeing to his withdrawal.¹ The next few weeks would enable him to plumb the depths of public opinion, as well as to see if by any chance the British government might be budged from its *non possumus* position.

For the present, certainly, Salisbury assumed an attitude that fundamentally precluded discussion. Whether it is true or not, as the German ambassador declared, that Chamberlain and others of the cabinet preferred war to the least concession,² the premier himself was sufficiently mindful of his recent reverses in the Far East to know that his attitude on this question would be subjected to a none too friendly scrutiny; and it is not improbable, moreover, that that reputation for "gracious concession", which he had earned through certain recent dealings with France,³ had come to acquire a rather malicious connotation. Yet Salisbury may well have thought that even an inflexible attitude would not necessarily mean war, so long as he refrained from pushing his case to the point of an ultimatum. When Delcassé asked for the courtesy of a British vessel to bring a message to Marchand, the premier was, no doubt, glad of an excuse for not forcing the issue, though he bade Monson inform Delcassé that "if the present situation is prolonged,

¹ *Livre jaune*, *op. cit.*, no. 13.

² *Die Grosse Politik*, vol. XIV, nos. 3908 and 3941; cf. Gardiner, *Life of Sir William Harcourt*, vol. II, p. 471. There was a meeting of the cabinet on September 20: *Standard*, Sept. 20. The *Standard*, which was considered the government's paper, remarked, "They cannot, if they would, retrace their steps."

³ Notably settlement of the Niger dispute, June 14, 1898.

. . . some immediate publication of the facts by the government will become necessary.”¹ Even this threat was not immediately acted upon. On October 5 Salisbury and Courcel, the French ambassador, indulged in a long and inconclusive debate on the matters under dispute. In his own account of the interview Salisbury seems to have given his interlocutor no encouragement,² but according to Courcel’s version he hinted a willingness to discuss the question of delimitation with his colleagues, who (he added) were *dispersés en ce moment*.³ Five days later he published a blue-book, containing a selection of despatches pertinent to the dispute. It was a definite appeal to the arbitrament of public opinion.⁴

The French “apparition” on the Upper Nile was first rumored in the British press on September 10, and by September 12 the story was given general credence. However much desultory discussion there may have been of the possibility that the strange force might be French, the confirmation of the news, coming as it did on the trail of Kitchener’s triumphs, produced a shock, which, as an eminent observer later expressed it, “*avait coupé comme d’un coup de cravache la joie d’Angleterre*.”⁵ True, some Liberal papers, like the *Manchester Guardian*, the *Daily News* and the *Daily Chronicle*, saw no ground for hasty assumptions, and believed an opening might be found for peaceful adjustment. With unusual keenness the *Guardian* reflected somewhat later that the question of whether the French should keep Fashoda was by no means contingent upon their immediate withdrawal, which was cer-

¹ *Brit. Docs.*, no. 197.

² *Ibid.*, no. 203 (also in *Egypt*, no. 8, 1898, no. 1).

³ *Livre jaune*, no. 25.

⁴ For a study of British public opinion during the Fashoda crisis the files of the following papers were examined for the months of September, October, and November, 1898: (London dailies) the *Times*, *Standard*, *Morning Post*, *Daily Chronicle*, *Daily Telegraph*, *Daily News*, *Westminster Gazette*, *Daily Mail*, *Morning Leader*, *Evening News*, *Star*, and *Globe* (through October 10); (provincial papers) *Manchester Guardian*, *Yorkshire Post*, *Liverpool Post*, *Birmingham Daily Post*, and *Glasgow Herald*; (weeklies) *Spectator*, *Observer*, *Saturday Review*, and *Punch*.

⁵ M. Blowitz in *Matin*, Oct. 22, 1898.

tainly not worth a war.¹ But the Conservative press, while fairly moderate in tone, was inflexible on the question of maintaining Egypt's right against the trespasser; and the more radical sheets, such as the *Star*, the *Globe*,² the *Morning Leader* and the *Evening News* seemed for a moment to be trying to outdo one another in virulence. "There is no need to argue the point," declared the *Evening News*, "If a householder finds a man in his back garden, he does not go to arbitration about the matter or enter into elaborate arguments to show that he, the householder, is the owner of that garden. He simply orders the trespasser out, and, if he will not go out of his own accord, he has to go in another fashion."³ The *Daily Mail* talked equally of ejecting the intruder, if he would not go willingly;⁴ and the *Morning Post* warned its readers that, if there was no disavowal of Marchand's expedition, there would be "no other course open but an ultimatum, coupled with the mobilization of the military and naval forces of the Empire."⁵ Even the stolid *Spectator* declared, "It is quite clear that Fashoda must be retained, even at the cost of war."⁶

The French press showed, on the whole, a more pacific spirit, though such obdurate support of the British claims stiffened its attitude for a time. But the general public on both sides of the Channel had little notion of the part which diplomacy might be playing until the first British blue-book appeared in print.⁷ It was something of a relief, no doubt, to discover that France at least was anxious to avoid war, though the uncompromising attitude of the British government met with

¹ *Manchester Guardian*, Oct. 24, 1898; cf. Westlake, in *Times*, Oct. 27. Courcel had suggested to Salisbury that the evacuation of Fashoda should be agreed upon as preliminary to a general adjustment of boundaries: *Livre jaune*, no. 25.

² An article in the *Globe* on October 10 even drew a complaint from Delcassé: *Brit. Docs.*, no. 209.

³ *Evening News*, Sept. 13, 1898.

⁴ *Daily Mail*, Sept. 13, 1898.

⁵ *Morning Post*, Sept. 12, 1898.

⁶ *Spectator*, Oct. 1, 1898.

⁷ Published October 5. A second one was published October 25 after the appearance of the *Livre jaune* on October 23.

general approval in England.¹ "We cannot conceal from ourselves," remarked the *Times*, "that Lord Salisbury and his colleagues have taken a position from which retreat is impossible. One side or the other will have to give way. That side cannot, after the publication of these papers, be Great Britain."² The *Daily Chronicle* considered the situation "grave",³ though the *Guardian* believed the crisis less acute than it had been.⁴ Much, of course, might depend on the degree of support which Salisbury received from the country; for, if that support were meagre or half-hearted, the French cabinet would be able to temporize without incurring too great a risk. For this reason the speech of Lord Rosebery on October 12 was of much significance. No new argument was brought forward, but the leader of the Liberals placed himself unreservedly behind the premier in support of British claims.⁵ Asquith spoke in similar vein on the 13th.⁶ "The British nation is indeed united," wrote the *Morning Post*, "in a way that it perhaps never was before."⁷ On October 20 a radical organization, the Yeovil Workingmen's Liberal Association, while condemning in general the foreign policy of the government, expressed approval of its present attitude.⁸ No wonder the German ambassador came to the conclusion that, with the whole of public opinion arrayed on his side, Salisbury would certainly find it hard to retrace his steps.⁹

The unequivocal expression of British opinion (taking it by and large) had undoubtedly made an impression upon Delcassé, who now voiced his willingness to discuss the withdrawal

¹ Delcassé's unfortunate quibbling over the status of Marchand, whom he had described as "nothing but an emissary of civilization" (*Brit. Docs.*, no. 188), came in for a good deal of ridicule in British journals and speeches.

² *Times*, Oct. 10, 1898.

³ *Morning Chronicle*, Oct. 11.

⁴ *Manchester Guardian*, Oct. 11.

⁵ *Times*, Oct. 13, 1898.

⁶ *Ibid.*, Oct. 14, 1898.

⁷ *Morning Post*, Oct. 13, 1898.

⁸ *Times*, Oct. 21, 1898.

⁹ *Die Grosse Politik*, vol. XIV, no. 3890.

of Marchand, provided Great Britain (as he intimated) would negotiate on the Bahr-el-Ghazal, in respect of which he laid great weight on the progress of the French occupation.¹ It is not improbable that Delcassé was also influenced by his communications with Russia, three of whose ministers arrived in Paris about the middle of October. Monson had been rather disturbed by this visit, and wondered if Russia would encourage France to take a defiant stand.² It was possibly the turning-point of the crisis. However hard France may have tried to beguile her ally (and that ally's value had long been rather dubious), the moment for a war crisis was certainly not well-timed for Russia, already immersed in her plan of a disarmament conference. At first, it is true, Count Muravieff, the Russian minister of foreign affairs, had apparently tendered Russia's approval of French policy, promising that she would "associate herself with any step that might become necessary in consequence."³ But, on coming to Paris, where even military circles were a prey to political turmoil, Muravieff seems to have advised Delcassé to evacuate Fashoda and try to seek some settlement of the Anglo-French frontier.⁴ Nevertheless, Monson was still ill at ease, and, as late as October 27, he telegraphed Salisbury that he could "state with positive assurance that France can count on more than moral support on the part of Russia in the event of a rupture with England."⁵ Had Delcassé known of this telegram, he might have played his cards with a little more confidence.

But the British cabinet was not greatly troubled by the Russian bogey, for the longer the period of indecision, the smaller the chance of Russia's being able to use her fleets be-

¹ See Monson's letters of October 11, 16 and 21: *Brit. Docs.*, vol. I, nos. 209, 212 and 214. Delcassé asserted that ten posts had been established in the Bahr-el-Ghazal. Cf. Caix, *Fachoda*, pp. 222-23; Rouire, "Omdurman et Fachoda", *Revue géographique*, vol. XLIII, p. 408.

² *Brit. Docs.*, no. 214.

³ *Ibid.*, no. 221.

⁴ *Die Grosse Politik*, vol. XIV, no. 3893; *Brit. Docs.*, vol. I, no. 215; cf. *Memoirs of Count Witte* (Eng. trans.), p. 178.

⁵ *Brit. Docs.*, vol. I, no. 218.

fore winter arrived to erect its barrier of ice. There was little doubt but that British opinion was now well instructed on the points at issue; for members of Parliament from both the great parties were eagerly imparting their convictions, and, while the provincial press seemed, on the whole, less excited than the London organs, the government could hardly complain that its case was not fully presented to the country. The Duke of Devonshire, the first member of the cabinet to give public expression of the government's attitude, paid his respects to the encouragement which it had received from the Opposition, and assured his audience that, while communications had been exchanged with the French government, there was nothing of the nature of a negotiation.¹ If one consults the files of the London journals, one finds—if we except the more conciliatory *Chronicle*—a fairly even tone of approbation. The only really discordant member of the press was the *Manchester Guardian*, which early sought to show that the government's Egyptian policy was nothing but hypocrisy,² and pleaded consistently for some recognition of French claims in the Bahr-el-Ghazal.³ One or two lesser lights in the Liberal ranks ventured to find some flaws in official reasoning,⁴ but it is probable that *Punch's* famous cartoon of the French organ-grinder⁵ had far more influence than all the writings and speeches—and there were not many—that favored conciliation. Nor did the author of the famous "no-trespassing" declaration fail to make an impression when he declared on October 27, "Egypt is the Nile, and the Nile is Egypt." If the head-waters of that river were in the possession of an unfriendly Power, then, in the opinion

¹ *Times*, Oct. 19, 1898.

² "The immorality of the expedition consists of this, that we have used Egypt in this matter merely as a stalking-horse of our own ambitions in the Upper Nile." *Manchester Guardian*, Sept. 10, 1898.

³ *Ibid.*, Oct. 12, 24, 25, etc.

⁴ E. g., speeches of Sir James Courtney and James Bryce, reported in *Times* of October 19 and 21 respectively, and letter of Atherley Jones, *ibid.*, Nov. 2. Sir Robert Reid attacked the Conservatives for going about the country, making inflammatory speeches: *Manchester Guardian*, Oct. 25.

⁵ "John Bull: 'Go away! Go away!' French organ-grinder: 'Eh? What will you give me, if I go?' John Bull: 'I'll give you something if you don't.'"

of Sir Edward Grey, the water, needed in Egypt for irrigation purposes, might be diverted to similar uses in the Sudan.¹ This opinion might, of course, be countered by Courcel's suggestion that the Nile could be given an international status like the Niger,² but recourse to an international settlement would hardly find weight with a nation which had been quarreling with France at every point. "The British nation," said the *Morning Post*, "has set its heart on the Nile Valley from end to end." If the French nation seriously intends to interfere with the fulfilment of that British purpose, the queen's subjects will accept the sacrifices necessary to make it good. There is nowhere any inclination to compromise in this matter."³ This placing the matter on the basis of patriotic longing was probably putting the emphasis where it belonged.

Meanwhile, the store of British patience was beginning perceptibly to ebb. On the 19th, the chancellor of the exchequer had gone beyond any statement hitherto uttered by a member of the cabinet, and declared that, while he hoped for an amicable solution, "this country has put its foot down. If, unhappily, another view should be taken elsewhere," he added, "we, the ministers of the queen, know what our duty demands."⁴ Under-secretary Sanderson told the German ambassador that public opinion would not countenance any yielding;⁵ and, looking at the situation from across the Channel, the veteran diplomat, Blowitz, remarked that he had never known in England an example of such intense national anger over an affair of foreign policy.⁶ None of the papers wrote as if war were imminent, but the stock market was more affected than at any time during the crisis, and on October 25 consols fell to

¹ *Times*, Oct. 28. A British traveler, who had been with Gordon in 1878, declared such a suggestion preposterous, as the volume of water was too immense to make such diversion possible, as long as Great Britain continued to hold the point where the Nile left Lake Victoria: *Morning Post*, Sept. 14, 1898, p. 4.

² *Livre jaune*, no. 30.

³ *Morning Post*, Oct. 25, 1898.

⁴ *Times*, Oct. 20, 1898.

⁵ *Die Grosse Politik*, vol. XIV, no. 3895.

⁶ *Matin*, Oct. 22, 1898.

107.¹ As if war were really within perceptible range, the British dockyards bristled with activity, and the navy was put in readiness to act at the shortest notice. It is not improbable that the cabinet was counting on this turn of the screw, as it were, to bring France to terms, though a French response in kind was certainly not lessening the tension. But the best omen for peace at this moment was the domestic plight of the Brisson ministry. On the 24th, all Paris was talking of the demonstration which the anti-Dreyfusards were planning for the morrow; and on the same day the foreign editor of the *Temps* hazarded the statement that "it is the settled intention of the French government, with the perfect assent of the French people, to evacuate Fashoda."² The next day, the ministry crashed to its downfall.³ Certainly, with so much confusion in Paris, there was no purpose in coming to an ultimatum as yet.

Already, before the ministerial crisis at Paris, Salisbury had issued a summons for a meeting of the cabinet for October 27.⁴ Whether this step occasioned the French ambassador's hasty visit to Paris, we cannot say; nor have we knowledge of what passed between Courcel and Delcassé. On the 24th the ambassador was back in London,⁵ and the next day he requested an interview with Salisbury, who declined to see him until after the meeting of the cabinet—much to the disappointment of the ambassador, who seemed to fear that an ultimatum was contemplated.⁶ Of the decision of the cabinet we can only judge by the account which Salisbury wrote Monson of his conversation with Courcel on the afternoon of the same day. "I intimated to him," wrote Salisbury, "that, so long as M. Marchand floated the French flag at Fashoda, any discussion between the English and French governments upon frontier question [*sic*] in that

¹ *Times*, Oct. 26, 1898.

² M. Pressensé's letter was addressed to and published in the *Daily Chronicle*, Oct. 26.

³ It was remarked that there was no mention of the crisis with England in the affray which led to the ministry's downfall: *Westminster Gazette*, Oct. 26.

⁴ *Manchester Guardian*, Oct. 21, 1898.

⁵ *Die Grosse Politik*, vol. XIV, no. 3899.

⁶ *Brit. Docs.*, vol. I, no. 216.

region was impossible. . . . He [Courcel] thought it . . . not improbable that M. Marchand would receive orders to retire. . . . If M. Marchand [Salisbury continued to Monson] should receive the orders the French ambassador had indicated, the obstacle to a discussion of the frontier would be removed."¹ The decision of the cabinet was, therefore, no more than a confirmation of the stand which the government had taken all along, except that, for the first time, it showed a willingness to look forward to a settlement of the frontier. More significant is the assertion of Courcel that Marchand might be ordered to retire; and, in view of this admission, it is difficult at first to see what Delcassé had to gain by threatening to resign, if France were not assured an outlet on the Nile.² Perhaps it may be conjectured that he wanted to remind Monson of his earlier statement that a successor would in all likelihood prove less tractable;³ whereas Courcel, who had had a possible emergency to face, may well have been instructed to avoid an ultimatum at all costs. In any event, public opinion had to wait a few days more in order to learn what was brewing, though the tension seemed rather lessened. "It is satisfactory to notice on all sides," wrote the *Daily Chronicle*, the day after the meeting of the cabinet, "that the outlook has become distinctly brighter in the last forty-eight hours."⁴

In Paris, of course, decision had to await the formation of the new cabinet, which task was finally completed on the 31st. Whether Delcassé would be retained as minister of foreign affairs was, for a time, a matter of doubt. He was reported to have said that he would not remain, if it meant evacuation of Fashoda.⁵ Yet, a few days later, he accepted the same office in the Dupuy ministry, and seems to have been the actual one to advise the withdrawal of Marchand.⁶ The resolution was

¹ *Brit. Docs.*, vol. I, no. 223.

² *Ibid.*, nos. 221 and 222.

³ *Ibid.*, no. 209.

⁴ *Morning Chronicle*, Oct. 28, 1898.

⁵ *Die Grosse Politik*, vol. XIV, no. 3901.

⁶ *Ibid.*, no. 3902.

adopted by a meeting of the French cabinet on November 3, and the British government was duly informed that Fashoda would be evacuated with the least possible delay.¹ On November 4 Salisbury announced in a speech at the Mansion House that the French had yielded.²

The news of victory on the immediate point of contention was accepted calmly by the British press, and some journals even felt that the rancor which France must harbor as a result, would make the victory itself of somewhat doubtful value.³ Only the *Spectator* refused to see light ahead: "She is a Power with feminine impulses and a man's strength, and infinitely difficult to deal with. . . . We suppose we must fight in the end, but let her begin it."⁴ No doubt, there were Gallophobes in England, who regretted the loss of an opportunity to humble the traditional enemy, but the correspondent of the *Matin* testified to the fact that "*la masse de l'opinion publique qui d'ailleurs n'a jamais cessé d'être calme, n'a témoigné contre la France aucun sentiment hostile ni aucune aigreur.*"⁵ "We had recently to consider the question of a European war," declared the premier at a banquet on November 9, "not, I will say, from a very near distance, but, at all events, with great anxiety and consideration. The result has turned out happily. At one moment it seemed possible that it might be otherwise."⁶ Possibly the most discontented with the outcome was the German Emperor, who had vainly tried to stir the Tsar into some action, and deplored France's surrender to "British greed".⁷

In France the decision to recall Marchand was viewed with mingled feelings. The veteran economist, Leroy-Beaulieu, affirmed that the upper Nile valley was too advanced a position

¹ *Brit. Docs.*, vol. I, no. 226.

² *Times*, Nov. 5, 1898.

³ "Our drop of triumph," declared the *Glasgow Herald* (Nov. 7), "has lost us the good will and friendship of France"; cf. *Manchester Guardian*, Nov. 7.

⁴ *Spectator*, Nov. 5, 1898.

⁵ *Matin*, Nov. 9, 1898.

⁶ *Times*, Nov. 10, 1898.

⁷ *Die Grosse Politik*, vol. XIV, no. 3913.

to supply with provisions or to hold with safety;¹ and the semi-official *Matin* reminded its readers that national honor was never at stake in a colonial enterprise.² Yet, there is little doubt but that much soreness existed over so abrupt a *volte-face*, and most of the Paris journals made much of the continued naval preparations of the British and their probable intention of goading France into war.

It is somewhat difficult to understand why Great Britain continued to arm, as though war were still probable. It was officially denied that the naval reserves had been called out,³ and the premier explained that preparations, once begun, could not be stopped in a moment.⁴ Sir Thomas Barclay, who tells us that war had been much nearer than people realized, implies that British preparations slowed down when Marchand was recalled,⁵ and such may well have been the case. But there was much speculation among the embassies; and the German ambassador, who steadily refused to note any change for the better, persisted in his belief that Great Britain was secretly plotting war.⁶ Salisbury, when questioned on the matter, denied any significance in these proceedings, and said that they were determined by naval policy a whole year before the Fashoda crisis.⁷ But it is very doubtful if this is more than a fraction of the truth; and it is not improbable that the British cabinet was trying in this indirect way to persuade France that the mere evacuation of Fashoda was not the only concession required, since the Bahr-el-Ghazal, which the *Times* declared was "as much Egyptian territory as the place from which the French are retiring",⁸ was still the actual stake in the conflict. Certainly, there was not much subtlety in British diplomacy at

¹ *Journal des débats*, Nov. 7, 1898.

² *Matin*, Nov. 4, 1898.

³ *Daily Chronicle*, Nov. 1, 1898.

⁴ *Times*, Nov. 10, 1898.

⁵ Barclay, *Thirty Years*, p. 145.

⁶ *Die Grosse Politik*, vol. XIV, nos. 3909 and 3923.

⁷ *Ibid.*, no. 3925.

⁸ *Times*, Nov. 7, 1898.

this juncture. The speech of Monson on December 6 to the British chamber of commerce in Paris¹ could hardly have been better calculated to wound French feelings. Even as late as the opening of the new year, reports of British military and naval preparations continued to harass the French public;² and, when we consider that a war with Great Britain would have been fought chiefly on the seas, it is not astonishing that France, in her isolation at that time, should have quailed at the possibility.

It now remained to be seen whether Great Britain would allow France any satisfaction to cover her retreat. "To refuse to yield a single mile of swamp is magnificent," wrote the *Daily Chronicle*, "but it is not business."³ Yet few journals went so far as to urge a division of the spoil; and, while the chancellor of the exchequer announced publicly that Great Britain was ready to negotiate a convention of delimitation, the general tone of his and Chamberlain's speeches was none too friendly.⁴ Furthermore, the publication of a British blue-book full of complaints of French agents in Madagascar did not fail to prove a new source of irritation,⁵ and might well be considered symptomatic of the cabinet's mood. Happily, Delcassé was not to be deterred from an effort to come to terms. While he was still not averse to using diplomacy as a club—on December 8 he hinted to Monson that he had hopes of Germany's support in event of war⁶—he finally came to the point of a direct overture to Great Britain. On January 10,

¹ *Ibid.*, Dec. 7 (quoted in part in Stuart, *French Foreign Policy from Fashoda to Serajevo*, p. 28).

² *Die Grosse Politik*, vol. XIV, no. 3927.

³ *Daily Chronicle*, Oct. 28, 1898. The *Manchester Guardian* (Oct. 24) even favored granting territorial access to the Nile.

⁴ *Times*, Nov. 24 and Dec. 9. Campbell-Bannerman, the new leader of the Liberals, accused Hicks-Beach of "swashbuckling". It is evident that the Liberals were beginning to tire of "jingoism".

⁵ *Die Grosse Politik*, vol. XIV, no. 3928.

⁶ *Brit. Docs.*, vol. I, no. 28. Monson believed that France had been paying court to Germany (*cf. Die Grosse Politik*, vol. XIV, no. 3928) and that Germany was trying to "keep up the panic in France": *Brit. Docs.*, vol. I, no. 243.

1899, Paul Cambon, lately appointed French ambassador to London, opened a discussion of pending questions with Salisbury—not, as he explained, in accordance with instructions, but with the assumption that the premier would be willing to discuss the matter. Salisbury noted that his manner was “exceedingly conciliatory”, and that he seemed (when the Premier stood firm on the question of the Bahr-el-Ghazal) to “indicate that the French government had abandoned the idea that their flag should float in any part of the valley of the Nile.”¹ Judging from the weeks that passed without appreciably nearing decision, it may be true that Salisbury told the German ambassador that the negotiation was not prospering;² but, by the middle of February, the premier was diligently pouring over a map of Africa with Cambon,³ and a month later the French ambassador made (apparently) his last—but ineffectual—stand for a foothold in the Bahr-el-Ghazal.⁴ A visit of the queen to Nice (even though the citizens were said to be cold in their greetings⁵) was perhaps a good omen, seeing that tourists had been wary of the Riviera during the winter;⁶ and even the quarrel over Muscat⁷ failed to check the progress of an understanding in London. At last, on March 21, a convention was concluded, which fixed the boundary between the French and British spheres in Central Africa, and awarded to Great Britain the whole of the Bahr-el-Ghazal. Having given up the “point of honor”, it was not so difficult for France to yield most of the tangible advantages.

The convention of 1899 was, of course, not an adjustment of all the existing difficulties which contained the germs of war. There was no mention of Great Britain's position in Egypt, which might still remain a subject for bickering or bargain.

¹ *Brit. Docs.*, vol. I, no. 240.

² *Die Grosse Politik*, vol. XIV, no. 3930.

³ *Brit. Docs.*, vol. I, no. 244.

⁴ *Ibid.*, no. 245.

⁵ *Die Grosse Politik*, vol. XIV, no. 3940.

⁶ *Ibid.*, no. 3926.

⁷ See Lémonon, *L'Europe et la politique britannique*, pp. 138, 39.

"We must never despair," Marchand is quoted as saying. "Who can say that the Sphinx may not be about to smile?"¹ But, whatever the future might ordain, Delcassé was satisfied, as he told the Senate, that the Bahr-el-Ghazal was not worth a war;² and there was probably much more that he could have said, had he cared to reveal his fixed intentions. It is hardly to be denied that the French diplomat had fought rather obstinately to enforce his country's claims, but, having finally decided that the trumps were in British hands, he proposed to pin his faith on a new shuffle of the cards. The result was to be the *Entente Cordiale*.

Looking back upon the factors which produced the outcome of the Fashoda crisis, one may almost agree with Joseph Chamberlain that it was "as much due to the spectacle of a united nation . . . as it was to those military and naval armaments about which the foreign press talks so much and knows so little."³ The obstinacy with which most public men and reputable journals upheld the cabinet not only strengthened Salisbury's resolution to insist upon Marchand's recall, but enabled Chamberlain and the so-called "War Party" to hold out against any concession whatever in the valley of the Nile. In the face of such determination, French opinion seemed vacillating and spiritless. "Neither the French government, nor the French people," remarked the *Manchester Guardian*, "is, it seems to us, so anxious for the possession of Fashoda as the English, and the stronger will is usually the one to prevail."⁴ Nevertheless, if France had not been so engulfed in the Dreyfus affair—a distraction which had produced a cabinet upheaval

¹ Quoted in *Times*, Nov. 16, 1898, p. 5.

² Stuart, *op. cit.*, p. 31. According to the German ambassador at Paris, Delcassé told Muravieff that he was so little inclined to push an African policy that he not only let Fashoda go, but doubted if he would raise a finger if Great Britain declared a protectorate over Egypt: *Die Grosse Politik*, vol. XIV, no. 3924. There had been some belief in French circles that that had been the object of the British arming.

³ *Times*, Nov. 16, 1898.

⁴ *Manchester Guardian*, Oct. 12, 1898. "Fortunately for the French and for the world, the colonial party has by no means so strong a hold in France as in England": *ibid.*, Nov. 8.

at a critical moment—one cannot but wonder if the result might not have been different. Judging from what we know of the Gallic temperament, there had been grounds for fearing war, notwithstanding the *bon mot* of a British speaker: "It is the first war scare in which nobody has been frightened."¹

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¹The speaker was Sir Nowell Salmon, quoted by Chamberlain in his speech, referred to above.

COLONEL HOUSE'S STORY¹

WHEN the first two volumes of the House Papers were published in 1926, they were criticized by some reviewers as unduly emphasizing the influence of Colonel House in the Wilson administration, at the expense of the President's own initiative and responsibility. The figure of the President, it was said, was rather nebulous as compared with the clearly etched features of the Colonel. Outlines of policy, drafts of papers, advice as to the proper time and subject of speeches, all seemed to come from the quiet mentor, while the President's part consisted largely in expressions of gratitude and acquiescence, more or less qualified. Moreover, the volumes failed to show to what extent the advice or criticism of hundreds of other associates of the President, official and unofficial, influenced his policy. These strictures would undoubtedly find much justification if Professor Seymour had put forth his volumes as a history of the Wilson administration. But he is explicit in his disclaimer of any such purpose. The volumes are only, as he modestly says, "the raw material for history", a contribution, like Tumulty's, Houston's, Lansing's or Daniels' (though the immense superiority and serviceableness of them to these and most other memoirs of the administration are evident to any student), to the definitive story of the administration. If Colonel House is the central figure of the volume, it is not because of any desire to make him overshadow the President, but quite naturally because the work is based on the House Papers. And if the figure of the President seems a bit distant and nebulous in the narrative, we must remember that, not having the permission to publish the letters from Wilson to House textually, Professor Seymour was reduced to the necessity of matching the *ipsissima verba* of Colonel House's messages to the President with only paraphrases and "the gist" of the President's replies to him.

In the first volume of his work Professor Seymour gives a list (pp. xiii-xviii) of about 2000 letters and telegrams from Wilson to

¹ *The Intimate Papers of Colonel House. Arranged as a Narrative.* By CHARLES SEYMOUR. Vols. III (*Into the World War*) and IV (*The Ending of the War*). Boston, Houghton, Mifflin Company, 1928.—xviii, 453; xii, 552 pp. \$10.00.

House, covering the period from October, 1911, to March, 1917, which he has "utilized" but not been allowed to reproduce. This material is equally, or even more, abundant for the period 1917-1919, covered in the last two volumes of the work, as the frequent paraphrases of the Wilson correspondence (cited in footnotes as simply "Wilson to House", with the date) show. Just how much the President suffers in respect to sharpness of outline by this procedure, for which, of course Professor Seymour and Colonel House are in no way to blame, we shall not know until Mr. Ray Stannard Baker, who is now at work on the "official" biography of Wilson, with authorization to print his correspondence, shall give us the full text of such letters, telegrams and cablegrams of the President as he sees fit. Probably it will not change the picture very much, for Mr. Wilson, while a consummate orator and essayist, was not an enthusiastic correspondent, like Theodore Roosevelt and Walter H. Page. His letters are rather brief and pragmatic. He liked to share his ideals and theories with a larger audience.

One could scarcely overpraise the skill with which Professor Seymour has woven a narrative which moves forward with coherence, logical sequence and undiminished interest, out of the vast mass of material deposited in the library of Yale University by Colonel House. The Diary alone, carefully composed with Miss Denton's invaluable assistance at the close of each day's exacting labors in correspondence and interviews, contains more than 2000 pages. The correspondence itself, says Professor Seymour, "would fill several volumes". To select and combine the pertinent passages from this wealth of documents and to supply the connective tissue of events to bind them into a unified historical narrative has been an exacting task, whose difficulty is not obscured, for historical students at least, by the art with which it has been accomplished.

The constant collaboration of Colonel House with Professor Seymour in the choice of material and the revision of the manuscript makes it fairly certain that we have as complete a story of the Colonel's activities as if he had written the volumes himself as memoirs. Still one has the feeling that not all has been told that might have been told. For example, one would not gather from Professor Seymour's account of the important controversy with Italy over Fiume in April, 1919 (vol. IV, chap. xii), that it had any effect upon the relations between Colonel House and the President. Yet there are some men who were intimately concerned in this con-

troversy who maintain that it was the main cause of the altered relations between the President and his adviser, and newspaper correspondents in Paris spoke thereafter to one another of "the passing of the third floor front" (the Colonel's apartment in the Crillon). Professor Seymour was one of the experts who sent a letter to the President in April, 1919, supporting his refusal to give in to the Italian demand for the control of the eastern shore of the Adriatic. Mr. H. Wickham Steed gives the impression that Colonel House was in favor of compromising the matter (*Through Thirty Years*, vol. II, pp. 327 *et seq.*). Professor Seymour might have told us (the Colonel being willing) the whole amount of truth or falsehood in these representations. He might have told us, too, the whole story of the effect of Mr. Steed's article of February 13, 1919, in the Paris *Daily Mail*, which, according to Steed (vol. II, pp. 282-4), "worried" the Colonel and got him, as he himself put it, "in a very bad hole", because he thought that it would be impossible to persuade the President that he had not inspired the article, which seemed to contain a criticism of the President's "too unworldly" idea of the League of Nations. Seymour prints Steed's article (vol. IV, pp. 307-8) and concedes that it was directed (in part) "at Wilson's unwillingness to compromise"; but he makes no mention of its having caused any uneasiness in Colonel House or contributed in any way to disturb the cordial relations between him and the President.

On a subject of major importance for judging not only the policy but also the character of President Wilson, the *Intimate Papers* are very disappointing. That is the question of the President's knowledge, before he went to Paris in December, 1918, of the secret treaties for the division of the spoils of war, which the Allies had made with Italy, Rumania, Russia and Japan. When President Wilson returned from the Peace Conference and the Treaty of Versailles was in the hands of the Senate Committee on Foreign Relations, he invited the members of that committee to the White House for a conference (August 19, 1919). Senator Henry Cabot Lodge, the chairman of the committee, published in Appendix IV (pp. 297-379) of his *The Senate and the League of Nations* (Scribner's, 1925) a full stenographic report of the conference. Senator Borah asked the President whether his knowledge of the secret treaties came after he reached Paris, and the President's reply was: "Yes, the whole series of understandings were disclosed to me

for the first time then". A few minutes later Senator Hiram Johnson returned to the point, mentioning specifically the treaties with Italy and Rumania, and asking: "Then none of these did we (and when I say 'we' I mean you, Mr. President) have any knowledge of prior to the Conference at Paris." To which the President replied: "No, sir, I can confidently answer that 'No' in regard to myself".

Now the volumes before us make it abundantly evident (vol. III, pp. 51, 61, 282, 317, 322, 346; vol. IV, pp. 134, 135, 145, 153, 168, 175) that the President knew of these treaties before he went to Paris. Seymour says (vol. I, p. 443, n.): "On April 30, 1917, Mr. Balfour explained the details of the treaty [of London with Italy] to President Wilson". And Balfour himself not only stated in the House of Commons that he "had no secrets from Wilson", but wrote to Wilson in January, 1918, commenting on the Treaty of London, "which Wiseman said was disturbing Wilson"; and again in a letter to House of July 17, 1922 (vol. IV, p. 364) Balfour says: "He"—meaning Mr. R. S. Baker, whose *Woodrow Wilson and World Settlement* had just begun to appear in serial form in *The New York Times*—"was certainly wrong in his statement that Mr. Wilson was kept in ignorance by me of the secret treaties, an error which I feel the more acutely because it is a calumny which, if I remember rightly, I have already publicly contradicted." In view of these facts Professor Seymour says (vol. III, p. 61): "It is difficult to reconcile this statement [of President Wilson before the Senate Committee] with the available evidence."

If Professor Seymour had left the matter there, every historian would have agreed with him. But, unfortunately, he devotes a note two pages long to the effort to reconcile the unreconcilable. He suggests that the President may have confused the Treaty of London (which he knew of) with the agreement with Japan over Shantung (which he did not know of until he reached Paris). But Senator Johnson separated the two carefully in his question. Seymour also suggests that, "following the turmoil of the Conference", the treaties may have been "crowded out of his mind by the influx of an astounding amount of detail", and thus he may have failed to recollect the date of his knowledge of the treaties when "several years later" he was questioned about it. But August, 1919, is hardly "several years later" than April, 1917, when Balfour discussed the Treaty of London with the President. Finally,

Seymour reminds us that the President's interview with the Senate Committee occurred "barely a month before his complete physical and nervous collapse." True, but during that month, in his speeches made on the visit to the Pacific coast, the President gave no indication of such mental weakness as would explain his forgetting his concern over the treaties before he left America for the Peace Conference.

Colonel House himself hardly improves the case for Wilson when he adds to Seymour's labored apologetic the sentence: "There was no man living at that time who had more varied information and misinformation brought to him than President Wilson. How could he on the spur of the moment know when he first heard of this or that?" But surely the Colonel would not include under "varied information and misinformation" the intimate conversation of April 30, 1917, at the White House between himself, Balfour and the President, in which "the ground covered was exactly the same as Balfour and I had covered in our conference Saturday"—i. e. the discussion of the secret treaties "over a large map of Europe and Asia Minor" (vol. III, pp. 43, 48). And finally, when the Colonel adds: "There are those who believe the President laid too little stress upon the treaties and that he should have had some understanding with the Allies regarding them before he committed the United States to war" (vol. III, p. 62), does he not surrender the whole case? For the President could hardly have had an understanding about a subject of which he had no knowledge. Decidedly, Professor Seymour would have done better leaving out all of his long apologetic note except the first sentence.

Perhaps the most valuable contribution that the *Intimate Papers* make to the history of the Peace Conference is the material adduced (vol. IV, pp. 363-376, and corroborated by the recent work of David Hunter Miller on *The Drafting of the Covenant*) to refute the widespread legend that as soon as President Wilson left Paris in the middle of February, 1919, for his short visit to the United States, the Conference set to work to "sidetrack" the League of Nations and conclude a hasty preliminary peace with Germany. Professor W. E. Dodd, in an article in *The New York Times Magazine* Section, on the decennial of the Armistice, says: "In Paris Colonel House was promising that the League might be sidetracked." Mr. R. S. Baker, in his *Woodrow Wilson and World Settlement* (vol. II, p. 47), writes: "The Colonel would make peace

quickly by giving the greedy ones all they want. He sides with those who desire a swift peace on any terms. The President struggles almost alone to secure some constructive result out of the general ruin." Professor Seymour shows that there was no such "plot to betray Wilson." Not only was Colonel House an enthusiastic advocate of the League through thick and thin, furnishing the President with the articles which formed the basis of his Washington draft in the summer of 1918, and urging the President in Paris to "put his back under the League and make it his main effort during the Conference"; but during Wilson's absence in America, House kept in touch with him daily, reporting what the Council was doing on the subjects of reparations and boundaries. The President expressed his general approval of the activities reported, and, in fact, had invited the Council to proceed as it did by requesting that work on the economic and territorial articles of the treaty be not "held up" during his "unavoidable absence" in America. If Colonel House and his associates on the Council of Ten ceased to discuss the Covenant of the League of Nations when President Wilson left Paris, it was quite naturally because the Covenant had already been completed by the committee of nineteen (with the understanding that it was to be the first article of the treaty) and had been presented to the plenary session of the Conference by President Wilson on the eve of his departure for America. Mr. Balfour confirms this refutation of the legend of the "betrayal" of Wilson in an important Memorandum prepared from the papers of the British Foreign Office in 1922, which he gave Colonel House permission to publish in 1927 (vol. IV, pp. 364 *et seq.*).

The volumes give proof in many a passage from the Colonel's Diary that, in spite of the unparalleled devotion and confidence of what Sir Horace Plunkett called "the strangest and most fruitful personal alliance in human history", there were important points on which the President and his "second personality" (the phrase is Wilson's) differed. "To my mind, the President has never appreciated the importance of our foreign policy", wrote House in June, 1915. After the sinking of the *Lusitania*, House, in London, notes in his Diary: "I have concluded that war with Germany is inevitable and I have decided to go home . . . to help the President fight the war with spirit." He "strongly urged" the unwilling President to increase the army in the early months of the war, and wrote to Seymour in April, 1925: "The United States might have

changed the course of history if we had armed to the teeth in the beginning of the war and waited for the proper opportunity to intervene" (vol. II, p. 83). He was in favor of dismissing Bernstorff when the *Arabic* was sunk in August, 1915, and again when the *Sussex* was torpedoed in March, 1916. He wanted the President to break off relations with Austria when the *Ancona* was torpedoed in the Mediterranean, in November, 1915. He disapproved of the President's appeal for the election of only Democrats to Congress in the autumn of 1918, and regretted that he had not advised Wilson against such a step before he himself sailed for Europe a few days prior to the appeal. He wanted the President to appoint some influential Republican as a member of the Peace Commission, and pleaded with the President to treat the Senate with conciliatory prudence. He even favored accepting the Lodge reservations to the Covenant for the sake of getting the Treaty of Versailles ratified. When there was some prospect in 1915 and 1916 that we might as a neutral nation participate in a peace conference, he was in favor of Wilson's going to Europe to preside over it; but he disapproved (though from his own position at Paris he could not with propriety advise against) Wilson's attending the Conference in 1919. "It may be," he wrote in his Diary the day after the signing of the Treaty of Versailles, which he regarded as a very poor settlement, "that Wilson might have had the power and influence [to secure a better peace] if he had remained in Washington and kept clear of the Conference. When he stepped from his lofty pedestal and wrangled with the representatives of the other states upon equal terms, he became as common clay" (vol. IV, p. 488).

However, none of these differences, nor all of them together, would suffice to account for the final severance of the intimate friendship between the President and Colonel House. It is a question which everybody would like to have answered, perhaps no one more than Colonel House himself. When the two men parted at Paris at the end of June, 1919, their cordial relations seemed unimpaired. The Colonel sent word to Wilson from London of rumors of a breach between them, and the President cabled in reply (August 29): "Am deeply distressed by malicious story about break between us and thank you for the whole message about it. The best way to treat it is with silent contempt" (vol. IV, p. 515). Four days later the President left the capital for his western trip, and was brought back to Washington a broken man. As late as November, 1920, he wrote

to House, but in a rather brief and formal manner, omitting the "affectionately yours" from the subscription. But the Colonel was not invited to the White House, and his two letters of advice to the President on the handling of the Treaty with the Senators went unanswered. The men never saw each other again after their goodbye in Paris. Professor Seymour's request for an explanation of the mystery in the spring of 1928 brought from Colonel House a dignified and touching reply, in which he affirmed his unchanged and unchanging devotion to the memory of Woodrow Wilson and spoke of the sudden severance of their confidential relationship as a secret which lies forever buried in the President's grave. To indulge a speculative curiosity on the subject after this final word from Colonel House would seem to be trespassing on sacred ground.

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RECENT LITERATURE ON MODERN CONSTITUTIONS¹

Political science concerns itself with the life of men in relation to organized states. . . . We have not only to define aims. We have to discover both the institutions through which those aims are likely to be realized, and the methods by which they are to work. Do we need, for instance, a parliamentary system? Does the latter require, if it is to realize its best results, a highly trained and non-elective civil service behind it to supply the *expertise* in which the general competence of an elected person is almost certain to be deficient? We have, to generalize, two sets of problems before us, those, in the convenient German terminology of *Staatslehre*, and those of *Politik*. We cannot separate them with any precision, for the simple reason that any *Staatslehre*, however independent it may seem, is, in fact, a generalization from the environment and experience of those who make it . . .

If this is the context and scope of politics, how is it to be most fruitfully studied in order that conclusions of value may be reached? I stand here to plead for the study of politics in the terms of history, to know how our traditions and institutions have been moulded, to grasp the policy of the forces by which their destiny has been shaped—that, I am anxious to persuade you, is above all the key to their understanding.

SEVERAL recent volumes attempt to study politics in this fashion. Their authors would not challenge the principles set forth in the eloquent and suggestive inaugural lecture which Mr. Laski delivered as Professor of Political Science in the University of London. *Politik* and *Staatslehre* are not formally

¹ *On the Study of Politics*. By Harold J. Laski. Oxford, Oxford University Press, 1926. 27 pp.

Éléments de droit constitutionnel: français et comparé. By A. Esmein. 8th ed. revised by Henry Nézard. Paris, Recueil Sirey. Vol. I, *La Liberté moderne: Principes et institutions*, 1927, xliii, 648 pp.; Vol. II, *Le Droit constitutionnel de la République française*, 1928, xv, 725 pp.

The Mechanism of the Modern State, A Treatise on the Science and Art of Government. By Sir John A. R. Marriott. Oxford, The Clarendon Press, 1927. 2 vols. xxiv, 596; xii, 596 pp.

Second Chambers, An Inductive Study in Political Science. By Sir John A. R. Marriott. Oxford, The Clarendon Press, 1927. viii, 250 pp.

The New Democratic Constitutions of Europe. By Agnes Headlam-Morley. Oxford, Oxford University Press, 1928. viii, 298 pp.

Les Constitutions de L'Europe Nouvelle. By B. Mirkine-Guetzevitch. Paris, Librairie Delagrave, 1928. 412 pp.

separated. Institutions are considered in the terms of history. Attempts are made to get at the theories underlying particular constitutional arrangements and to discover how those arrangements actually work. The authors seek to "codify the results of experience in the history of states."

These recent volumes deal with governmental institutions horizontally rather than vertically. They are not, that is to say, confined to the institutions of a single state. This is as it should be, for the practical problems of organization and function which confront modern governments have many phases in common. The different states of the modern world have attempted to solve these problems in different ways. Political institutions may have identical parents, but some may now seem to be ugly ducklings; or quite different in origin, the institutions may at the present time show striking kinship. Problems cut across several governments. The powers of the titular executive in Germany, for example, can hardly be appreciated without a consideration of cognate problems in France and indeed in England, which, method of choice and permanence aside, furnished the model for the French presidency. It is much easier for a writer to concentrate on a single political system, but if he does the lessons taught are blunt and indecisive. Comparative treatment may occasionally be devious and dangerous, but it is much more alluring and useful. It is essential to the ascertainment of knowledge that will justify proposals of readjustments in governmental machines. It provides the only gauge by which smoothness of operation may be estimated.

The eighth edition of the monumental work of the late Professor Esmein is probably the most useful single treatise on modern governments. "Monumental" is not too strong a word to use. When Professor Esmein published his first edition thirty years ago, he broke new ground. Since that time successive editions (the last three by Professor Esmein's colleagues) have added a wealth of detail. The footnote references to monographs, periodical literature and public documents furnish a fairly complete bibliography of comparative government. The treatise, however, is far more than an encyclopædia. It rarely contents itself with mere description. Many pages are devoted to *Politik*.

M. Nézard has left Professor Esmein's text unchanged. The editor's qualifications and additions are put in brackets. Thus, for example, you have M. Esmein's discussion of the manner in which

the irresponsible French president has been held responsible—the Macmahon, Grévy, and Casimir-Périer incidents—and M. Nézard's comments on Millerand's forced resignation. Similarly, Professor Esmein's arguments on matters concerning which he adopted rather original views—e. g., the inability of the French Senate to hold a ministry responsible—are left as they were originally written. This preservation of the first text leaves untouched some rather refined passages which have little interest for students other than the French constitutional lawyers who engage in endless debates on such points; but this is a small price to pay for the continued accessibility of Professor Esmein's luminous opinions. In short, the Esmein volumes are an extremely useful and entirely satisfactory treatment of governmental theory and of the manner in which different systems adhere to or depart from the theory.

Macaulay once suggested that he would sooner expect a great original work on political science from an apothecary in a country town than from a member of the House of Commons. Macaulay, to be sure, specified a statesman who "ever since he was one and twenty had been a distinguished debater in the House of Commons." That classification does not apply to Sir John Marriott, who has served in the House (with one interregnum) only since 1917. Nor would the general caveat be necessary, since Sir John Marriott has already published an impressively long list of books, and is a regular and prolific contributor to the more solid English reviews. To the task of this treatise he brings, therefore, exceptional qualifications: ample historical learning, academic experience as a Fellow, Lecturer and Tutor in modern historical subjects and political science at Worcester College, Oxford, and service in Parliament. As he says in his preface, the present work "is an attempt to epitomize the work of a life which has been consistently devoted to 'politics'. . . . This book represents a portion of my personal contribution, both to Science and to Service." The publisher goes further and declares that "Sir John Marriott is at once the most learned of politicians and the most politically minded, in the classical sense, of historians."

The two volumes on the mechanism of the modern state are not a great work. They will add little to the author's reputation. It is difficult to see that experience in the House of Commons has made his pages ripe with any particular insight. Indeed, one cannot escape the conviction that this "treatise" would have been better if Sir John Marriott had not contributed to "Service", for he might

then have had more time to fill in gaps, eliminate inaccuracies, familiarize himself with constitutional developments during the last ten years in systems other than the English, and to excogitate opinions which as a politician he considered it wise to keep tentative.

Sir John Marriott says in his preface that he has drawn heavily on some of his previous books, and on contributions which he has made to the quarterly and monthly reviews. This would be evident without his explicit statement. The "facts" which some pages set forth disclose the dates of composition; the emphasis which other pages give to events or literature indicates their journalistic origin. Some sections are hardly relevant to modern constitutions. This historical matter is included because Sir John Marriott has evidently lectured upon such subjects at Oxford for many years. Some of this material had already appeared in the author's admirable book on English political institutions. There it was quite in point, but why should it be reprinted in a treatise on the modern state? The chapter on Swiss federalism relies largely upon Bonjour's *Real Democracy in Operation*—a book which had just been translated when Sir John Marriott wrote his article for the *Edinburgh Review* eight years ago. That article, with insufficient revision, is the basis of the chapter on the Swiss governmental system. Figures on the Swiss initiative and referendum have been brought up to 1925, but there is no detailed information later than 1920. This is unfortunate—doubly so, for Sir John Marriott is thereby led to state later in his volumes, that "Switzerland—one of the most conservative of democracies—has made no change since the War" in respect of the conduct of foreign affairs. By constitutional amendment adopted in 1921 Switzerland may have a referendum on certain treaties. One such referendum on the Franco-Swiss free zones dispute has had important international repercussions.

In a footnote the author records the fact that an amendment to the American Constitution permits women to vote, but apparently thinks that there are twenty amendments. His discussion of financial procedure in the United States takes no account of the changes under the Budget and Accounting Act of 1921 and the concentration of responsibility in single committees of the House and the Senate. Little is said about post-war constitution-making in Europe. There is an ample discussion of the federal system of pre-war Germany, but little on the constitution of the German Reich. Scant mention is made of the constitutions of the German Länder,

which from the standpoint of the mechanism of the modern state are of considerable importance. Had the post-war constitutions been analyzed, Sir John Marriott would have been unable to insist so readily on his antithesis between the parliamentary system of Great Britain and the Swiss and American systems. For the fact of the matter is that in the modern political institutions of Europe are the seeds, if not the full-blown plants, of new forms of cabinet government. Some of these systems dispense with the titular executive. Some confer on the titular executive larger authority than he has in England or in France. Some mix individual and collective ministerial responsibility. Some set up special devices to prevent cabinet responsibility from meaning that the executive must live from day to day under the shadow of instant and unexpected dismissal by the legislature.

Indeed, it is with reference to this matter of cabinet government that the author is probably weakest. He gives many pages to the development of cabinet government to its modern form, but is not very informing on the problems which now clamor for consideration. The complaint is frequently made that the House of Commons is completely under the dominance of the cabinet. Sir John Marriott pays some attention to this criticism. Various proposals of reform have been made. To these Sir John Marriott pays scant attention. Continental systems have a different problem. They have been seeking a workable device to protect a cabinet against legislative caprice. Constitutional provisions inviting a cabinet to stay in office unless a formal vote of lack of confidence is passed by a majority of the members of the legislature, may furnish means of permitting the legislature greater freedom than it now has under the British system, while at the same time safeguarding its power to dismiss a cabinet which has really lost its confidence. Such devices, whether they are in constitutions or are only advocated by publicists, do not receive consideration in Sir John's sections on the mechanism of cabinet systems.

The chapters on administration give many details of the history of the civil service, the numbers of personnel, and the salaries received, but fail to indicate the rôle of the civil service in the modern state. There is nothing on the problem of state organizations of public employees. There is a discussion of French administrative courts, with Professor Dicey's classic criticism serving as the text, but practically nothing on the modern development of French ad-

ministrative law with its increasing allowance of recoveries for tortious acts by governmental agents. The American doctrine of judicial supremacy is referred to, but the influence of American courts on social policy is not considered. Nor does the discussion of the English judiciary—extremely learned in its historical details—remotely suggest that social policy in Great Britain is determined not only by an omnipotent legislature, but by courts that hand down decisions such as the Taff Vale, Osborne, and Poplar judgments. Proportional representation receives some consideration, but there is no discussion of professional representation as now embodied in the Reichswirtschaftsrat, and to a lesser extent and for different purposes in the Conseil National Économique. There is nothing on England's recent Emergency Powers Act of 1920, nor, in connection with the discussion of party organization, is there any treatment of the "federal" organization of the Labor Party, its relations with the Trades Union Congress, and the special devices which seek to influence decisions by the front bench—a mechanism which the London *Times* once described as "governing the government."

Nothing is easier or more unfair than for a reviewer to complain because subjects in which he is interested fail to receive what he considers due attention. Perhaps some of the *lacunae* which I have noted fall in this category, but they and others are to be found in a work which pretends to be a well-rounded attempt to discuss the mechanism of the modern state. One explanation may be that the treatise has grown by the accretion of articles for the English reviews. This genetic process should have been counterbalanced by decretion and a good many pages devoted to Greek political philosophy and to the early history of the British constitution should have been left out.

Similar criticism will be made by the critical reader of Sir John Marriott's book on *Second Chambers*. This volume was originally published in 1910. It was to some extent a *livre de circonstance*, inspired by the pending proposals to lessen the powers of the House of Lords. Sir John Marriott says that he undertook the task of revision "with a light heart, imagining that a few notes with perhaps one additional chapter would suffice to bring the book up to date. I have been undeceived, and in the event found myself compelled in order that it might now be uniformly up to date (July, 1927) not only to undertake complete revision, but in parts to re-write whole paragraphs and even chapters."

It is not worth while to pause to discuss Sir John Marriott's optimism in believing that during seventeen years much bicameral water had not flowed under the political bridge. Such optimism was somewhat temerarious, for one of the most striking innovations of post-war constitutions was the distinctly subordinate place assigned to second chambers. But if the "light heart" with which the revision was begun became heavier, the rewriting pen remained "light." What should be said of an author who reprints in 1927 a chapter on the American Senate exactly as it was written (even including the errors) in 1910, with the addition of a single footnote calling attention to the fact than an amendment (not the 16th as the author says) changed the method of electing senators? What shall be said of an author who does not think that the struggle between the Senate and President Wilson was of sufficient importance to be mentioned, or who apparently does not know that the inquisitorial powers of the Senate and its refusal to put restrictions on debate distinguish it from other upper chambers? What comment should be made on an author who quotes a French writer quoted by Lecky thirty years ago as authority for the statement that money bills may be introduced indifferently in either house of many American state legislatures? That the statement is not incorrect makes such confidence no less amazing.

The chapter on the French Senate is reprinted with no more than a very few verbal changes. These changes are unfortunate, for they show a high percentage of inaccuracy. A sentence added to a paragraph on the responsibility of cabinets to the Senate says that "In 1904 the Senate compelled the resignation of the Léon Bourgeois ministry, and that of the Briand ministry in 1913." Bourgeois resigned in 1896, not in 1904, and Briand was not *compelled* to resign because of the failure of the Senate to adopt his electoral law. There is no mention of the Herriot resignation in 1925, nor of Poincaré's gesture in 1923. Similarly, Sir John Marriott rewrites a sentence dealing with constitutional changes but does not thereby achieve accuracy, for he fails to remember the *caisse d'amortissement* provided for by constitutional amendment in 1926. He apparently thinks that the last trial before the Senate of persons accused of attempts on the safety of the state took place in 1899, for his list does not include Caillaux and the others who were so judged in 1918.

The upper chambers in pre-war Germany, Austria and Hungary

have been swept away. Those chapters could not be reprinted, and new information must be given. Sir John Marriott, nevertheless, falls into some snares in paraphrasing the language of the constitutions. It is hardly accurate to say that the Reichsrat "may with the consent of the president, demand a referendum". The analyses of the powers of the Prussian Staatsrat and the Austrian Bundesrat are confused. Indeed, the author misses the point with respect to these new second chambers. He does not see that the idea of the Parliament Act—i. e., a suspensive veto—has been taken over and that for the time provision of the Parliament Act these new constitutions substitute specially large majorities in the lower house in order to overcome objections expressed in the upper house. The second chambers, in a word, have become secondary, but they can nevertheless perform most of their theoretical functions—of revising, of warning, of delaying, and of causing reconsideration.

There is a satisfactory discussion of these new tendencies in Miss Headlam-Morley's comparative study of post-war European constitutions. Even though her volume gives special attention to Germany, Czechoslovakia, Poland, Finland, Yugoslavia and the Balkan states, its author is confronted by a wealth of material extremely difficult to deal with in less than three hundred pages. Miss Headlam-Morley has not contented herself with a mere paraphrase of the new constitutions. She gives a good deal of information on the manner in which the constitutions were drafted and the alternative schemes which were discarded. She has many pages also which deal with the governmental systems actually at work. She covers practically all of the more important problems: the division of power between central and local governments, the electoral laws, the organization of political parties, direct legislation, the powers of upper chambers, the titular executive, the ordinance-making authority, the dissolution of the legislature, and the relations between the real executive, i. e., the cabinet, and the legislature.

In spite of the fact that many clauses must be cited from different constitutions, Miss Headlam-Morley occasionally finds space for a statement of her opinions on certain matters of governmental structure. She indicates, furthermore, the extent to which newer adjustments adhere to or depart from the British practice. Her subject, however, is one which should be treated on a larger canvas. The mass of detail is so great that the broader outlines of the picture are sometimes obscured.

M. Mirkine-Guetzevitch has not made this mistake in his edition of the text of eighteen of the new European constitutions. His "Essai Synthétique" is devoted only to the most general tendencies. It is, however, a suggestive introduction to a study of the constitutional texts. These include the constitutions of Turkey, Greece and Rumania, which have rarely been included in any of the collections of texts. The constitutions of Prussia and Bavaria are given as samples of the governments set up by the German Länder. Lack of space compelled the omission of the others. This is a pity, since, as I have said, the German Länder have gone in for a wealth of governmental experiments. Some of the most interesting innovations are to be found in the smaller states. The Prussian Constitution is the only one that has been translated into English; but Prussia and Bavaria, while they hint at some of the things to be found in the other texts, fail to suggest the many adaptations of older forms which the "Founding Fathers" of the German Länder thought warranted by the problems which confronted them.

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SENIOR'S "SOCIAL ECONOMICS" ¹

IN the development of political economy in Britain, there was a space of fifty-four years between Ricardo's *Principles* and Jevons' *Theory*. During the middle half of the nineteenth century, according to our accredited historians, only one luminary of the first magnitude entered the galaxy of British economists. That bright light was John Stuart Mill. There were, of course, other distinguished economists and systematizers, among whom James Mill, McCulloch and Torrens are most conspicuous. Yet they were less elevated, less brilliant, and less independent than the great luminaries; they were, indeed, satellites gravitating about the doctrinal figure of Ricardo. The position of J. S. Mill as the single fixed occupant of the space between Ricardo and Jevons, or between classical economics and modern economics, leaves many questions of relationship to be explained. For while Mill was near enough to Ricardo to receive and reflect the Ricardian luminosity, he was so far removed from Jevons that even light-miles will not suffice for a figurative measure of distance. Jevons himself was the first to realize this and to declare the need to rescue economic science from the confusion created by "that able but wrong-headed man, David Ricardo", and intensified by "his equally able and wrong-headed admirer, John Stuart Mill".²

Among Mill's contemporaries, the only economist who was a serious rival to his exclusiveness and supremacy was Nassau Senior. Yet Senior's early promise did not, apparently, bear fruit in great accomplishment. During his life he published only one slender volume on the theory of his science, the widely read *Political Economy* which appeared first in 1836 as an article in Coleridge's *Encyclopedia Metropolitana*.³ This little book consists of a demon-

¹ *Senior's Industrial Efficiency and Social Economy*, edited by S. Leon Levy. New York, Henry Holt and Company, 1928. 2 vols. xxiii, 375; vi, 422 pp. \$8.00.

² W. S. Jevons, *Theory of Political Economy*, p. li.

³ Several fragmentary statements concerning economic theory were published by Senior in the form of articles, addresses, and pamphlets. There also were his *Three Lectures on the Transmission of the Precious Metals* (1828), *Two Lectures on Population* (1829), *Four Introductory Lectures on Political Economy* (1852). Yet his *Political Economy* was his only systematic treatise.

stration of four axioms which Senior regarded as "the four elementary propositions of the science of political economy."¹ By a rigid adherence to these narrow postulates, he accounts for the production and distribution of wealth. As a rigorous schematization of economic theory, it has been regarded by critical readers as a work of exceptional merit. As a presentation of a comprehensive body of principles, it has been found wanting by most students.² Perhaps it should be regarded in the same way as other encyclopedia articles, i. e., as a skeleton. It unquestionably has the potentialities we associate with skeletons—and also the inadequacies.

Economists, basing their opinions of Senior as a theorist upon his *Political Economy*, have declared themselves impressed by his logical precision, by his critical penetration, and by the illuminating doctrines which are incipient in his work—and dismayed at his failure to carry his arguments through to the conclusions which are sought, *a priori*, by themselves. In the welter of critical estimates of Senior, two opinions appear to be traditional and widely shared. The first is that Senior was a Ricardian classicist. The second is that, with the publication of his *Political Economy*, his contributions to the science came to an abrupt and untimely end.

That Senior is a member of the Classical school and a Ricardian is stated repeatedly by Professor Gide.³ Just what it is that makes him so is not clear. Dr. Ingram adds to the testimony when he includes Senior among the "number of minor writers" who came "after Malthus and Ricardo . . . who were mainly their expositors and commentators, and whom, accordingly, the Germans, with allusion to Greek mythical history, designate as the Epigoni."⁴ This seems rather like labeling a man and then hanging him. The question of classicism and Ricardianism will receive further consideration at a later point in this article.

¹ These axioms are, briefly: (1) that every man desires to obtain wealth with a minimum of sacrifice; (2) that population is limited only by moral and physical evils or by standards of living; (3) that wealth increases cumulatively because of the productiveness of capital; (4) that, skill remaining constant, agriculture is susceptible to diminishing returns.

² A discussion of the content of this early work of Senior's is not consistent with the purpose of this article. A penetrating and judicious estimate of it is contained in H. J. Davenport's *Value and Distribution*, pp. 44-52.

³ Gide and Rist, *History of Economic Doctrines*, pp. 350, 351.

⁴ J. K. Ingram, *A History of Political Economy*, p. 138.

The second traditional estimate of Senior, viz., that his contributions to the science ended with the publication of his *Political Economy*, is well stated by Professor Taussig: "Intellectual indolence prevented him (Senior) from pushing his work beyond the stage of criticism. He began his contributions to economic literature with a burst of promising activity; lecturing at Oxford on value, on wages, on population, on international trade." There followed his article in the *Encyclopedia Metropolitana*. "With this article—written presumably to order and with no great deliberation—his contributions to economic theory, unfortunately, came to an end".¹ With equal regret, though perhaps for a different reason, Count Cavour, in 1860, after eulogizing Senior, added: "But since he has taken to keeping a kind of journal, he has neglected more serious things".²

This reference by Count Cavour to the "kind of journal" kept by Senior bears directly upon the question of why the latter did not publish further works in economic theory. And here we must briefly consider Senior's activities from the beginning of his scholarly life until his death in 1864. In 1825, he received a five-year appointment as professor of political economy at Oxford. During his tenure there he wrote eight volumes of lectures, the manuscripts of which are in the possession of his family today. At the close of this academic connection he showed himself to be an intensely practical person by devoting himself to politics and the study of worldly affairs. In 1832 he was appointed to the Poor Law Inquiry Commission, whose famous report is very largely a testimonial to Senior's astuteness. At the same time, and for years after, he was a voluminous contributor to periodicals, especially to the *Edinburgh Review*. His friendship with the French statesman and philosopher, Alexis de Tocqueville, which commenced in 1833, gave rise to many letters and discussions between the two, and helped to foster the cosmopolitanism which characterized Senior's later years.³ He began to travel widely and to keep elaborate journals of what he learned—particularly of his discussions of various topics with men

¹ F. W. Taussig, *Wages and Capital*, pp. 197, 198.

² Sir M. E. Grant Duff, *Out of the Past*, p. 55.

³ Two volumes of correspondence and conversations between de Tocqueville and Senior were published posthumously under the editorship of Senior's daughter, Mrs. M. C. M. Simpson.

and women of affairs.¹ Like Socrates, he found conversation a fruitful mode of learning. Thus, in his series of charming dialogues, entitled *Conversations with Distinguished Persons During the Second Empire*, we find Senior discussing monarchy with M. Thiers, the destiny of England with M. Circourt, Louis Napoleon with Mme. Cornu, the Spanish republican movement with M. Merimée, the Manchester school with King Leopold, strikes, wages, peasant proprietors, and education with Messrs. Beaumont and Guizot. But this carries us to 1861, shortly before Senior's last illness. We must turn back for a moment to 1847.

In that year Senior received a second five-year appointment to the professorship at Oxford. Convinced of the inadequacy of his earlier contribution to political economy, he determined to apply himself assiduously during his tenure at Oxford to the preparation of a major contribution to his science. With this in view, he wrote a new series of lectures, intending ultimately to publish them, with other manuscripts, as his treatise on political economy. He persisted in this purpose to the extent of preparing thirty-five lectures—in spite of the interruptions occasioned by his frequent visits with his journals to France (where the Revolution of 1848 and the subsequent *coup d'état* were especially interesting to him), to Italy, or elsewhere on the continent. By the termination of his professorship, he had become so involved in his conversations and journals that he did not complete the editing of his manuscripts before his death in 1864. The manuscripts passed finally into the hands of Senior's granddaughter, Mrs. St. Loe Strachey.

These manuscripts were recently found in England by an American student of economics, who borrowed them from their present owner, edited them, and secured their publication. And now we are permitted, for the first time, to study Senior's mature and comprehensive views. It should be remarked that Mr. Levy, in editing the work of Senior, has drawn the materials for this book, not only from the author's last series of lectures, but also from his earlier lectures, his addresses, pamphlets, reports, letters, articles and miscellaneous manuscripts. The later lectures do not constitute a complete statement of principles; they do not, for example, include a consideration of distributive processes *per se*. Apparently Senior regarded as adequate the pronouncements on distribution contained

¹ A large number of volumes of Senior's conversations and journals pertaining to Turkey and Greece, Ireland, France and Italy, Egypt and Malta, etc., were posthumously published under Mrs. Simpson's editorship.

in his earlier lectures, and in his various other manuscripts. In justice to Mr. Levy, it should be said that his "pieced together" book is remarkable for its coherence, continuity, and the completeness with which it covers its subject. It also is apparent that Mr. Levy carried out very ably the partial plan of organization which was drawn up by Senior himself, but was never given effect by him. At any rate, we have in this book a work which may justly be called Senior's major contribution to economics. By comparison with it his *Political Economy* seems as narrow and inadequate as its critics claim it to be. What the effect of this book upon the theory of economics would have been, had it been published during the author's lifetime, we can only conjecture. That the lectures embodied in it had an influence upon their auditors in the halls at Oxford may be argued with some certainty.

To those who are acquainted with the flavor of Senior's writing, it is not necessary to dwell upon the literary qualities of this book. In the art of prose composition, Senior is at least comparable to J. S. Mill. But the profusion of detail in this work, the voluminous use of illustrative material, the wealth of historical and empirical data drawn from a wide range of sources, probably will cause surprise to a reader who knows Senior only through his earlier work in economic theory. The same instinct and *finesse* which made him a master at conversation and at journal-keeping embellish this book on economics. More than that, they create substance and reality as a basis for his theoretical structure.

Simply because the book is as old as it is, fairness and profit would not be served by criticizing it, as we should a book by one of our contemporaries, in terms of the present-day vogues in economics. Our purpose—which is to discover the true position of Senior in the development of economics in Britain—is served best by indicating broadly where our author stood in relation to the doctrines which characterized (or comprised) the authoritative British works in political economy at the middle of last century. While there are refinements and nuances which discriminate the writings of the several Ricardian classicists, their common orthodoxy consisted in their close convergence on : (1) the cost-of-production theory of value; (2) the Ricardian rent theory; (3) the Malthusian doctrine of population; (4) the wages-fund theory. Senior's differences from the prevailing thought regarding these matters are briefly indicated below.

1. The Cost Theory of Value

Senior objects vigorously to Ricardo's treatment of value and cost as if they were synonymous. He himself concedes their inevitable correspondence only in the logical sense that such correspondence will flow from the hypothesis of a static condition of society and industry.¹ But such logic is specious when associated with reality. Exchange value is created by two conditions or forces: utility and scarcity. And by repeated demonstrations of how scarcity conditions utility, Senior presents an incipient marginal utility theory. This, however, is only a secondary phase of his analysis and is in no sense a formula for explaining value. The condition of scarcity is attached not only to the valuable products of industry, but also to the valuable agents of production. These scarce agents are land, labor, and capital. The scarcity of land, both in gross quantity and in special qualities, is a condition fixed by Nature—although further exploitation of new land and other resources may add somewhat to its supply. Labor is scarce, both immediately and as a long-time tendency, because of the limits to population, and because some people find some work unsuited to them or disagreeable. All other valuable things, including capital, are derived from labor and land. These things are scarce because of their cost of production. But Senior's costs cannot be equated with price; for he consistently means by costs of production, the labor and abstinence necessary to the making of a commodity. By taking account of alternative applications of labor and abstinence, Senior gives tacit expression to the modern doctrine of opportunity costs. In so far as equal competition obtains in the producing of different commodities, these commodities tend to exchange for each other in the same ratio as that of their costs (labor and abstinence). The author demonstrates this "normal value" as a tendency toward the lowest costs in the case of manufactured goods and toward the highest in the case of raw materials. As regards commodities produced under the various conditions of monopoly, the applications of labor and abstinence are regulated by the requirement of the highest net gains to the producer.² These explanations of value are consistently followed by Senior in his treatment of distribution.

¹ See *Senior's Industrial Efficiency and Social Economy*, vol. II, pp. 79-90.

² Senior's theory of value is summarized in vol. II, pp. 3-35.

2. *The Ricardian Theory of Rent*

Rent, as all students of economics know, furnishes the organizing principle in the Ricardian system. And the members of Ricardo's school, by adopting his theory of rent, commit themselves irrevocably to the whole of his analysis. From the hypothetical foundation of Ricardo's rent theory, his entire structure rises as a set of theorems. Population increases; poorer lands are resorted to; agricultural labor becomes proportionally less productive. Landlords collect as rent the difference between what actually is produced and what would be produced if all land in cultivation were no better than the poorest; hence the shares of the produce taken by the landlord and by the laborer must constantly increase and that taken by the capitalist diminish. But all this is hypothetical. The inference is logical and hence would be true if the assumed premises were true. Senior argues that they are false. "It is not true that rent arises in consequence of a difference between the fertility of the different qualities of land in cultivation—it might exist if the whole territory of a country were of uniform quality. . . . It is not true that the share of the produce taken by the capitalist is least in the richest countries."¹ With this emphatic denial of the Ricardian premises and their attendant theorems, Senior clears the ground for his own system.

To the general problem of rent, Senior applies his analysis of monopoly value, and arrives at an extremely general conclusion:

The greater part of what we call rent [of land] is merely profit on the capital employed in fitting the land for use . . . The remainder is the gift of *monopoly* . . . and exists wherever an instrument of production, not universally accessible, is employed, and shows itself, indeed, in profits and in wages whenever the one or the other rises above the general average. To give to all such extra profits and extra wages the name of rent would, I think, be an inconvenient departure from ordinary language. Most persons would be puzzled if they were told that when Madame Goldsmid receives £200 for a night's performance, 10s of it are the wages of her labor, 30s more the profit on her acquired capital of knowledge and skill, and the remaining £198 is a rent derived from her extraordinary powers of which nature has given her a monopoly.²

Of land rent *per se*, Senior wrote:

¹ Vol. I, p. 18.

² Vol. I, p. 149.

The quality which enables land to afford rent, namely, the power of producing the subsistence of more persons than are required for its cultivation, is an advantage . . . As the population of any given district becomes more dense, the power of land to afford a surplus continually increases either because the increase of agricultural skill and capital increases its positive fertility, or because a diminution of its relative fertility—a diminution of its produce relatively to the number of its cultivators—forces the poorer classes to be satisfied with a less amount of raw produce, or from both those causes combined. Of these two causes of rent, one is a benefit, the other an evil. . . . To produce rent both the benefit and the evil must coexist. The one occasions rent to be demanded, but it is the other which enables it to be paid.¹

3. *The Law of Population*

Senior's views on the subject of population probably are better known to economists than any other of his detailed doctrines. In his *Two Lectures on Population*, carrying as an appendix the illuminating correspondence between himself and Malthus, one finds a clear statement of principle. Senior expresses great respect for the Malthusian argument as an hypothetical structure, but questions its basis in fact. It is well known that Malthus acknowledged the accuracy of Senior's interpretation of his own theory. In this admission is a more than tacit charge that he, Malthus, had not been clearly understood by other economists and commentators.

The discussion of interpretation is epitomized in the last of Senior's letters to Malthus.

Your work [he wrote] effected a complete revulsion in public opinion. You proved that additional numbers, instead of wealth, may bring poverty. That in civilized countries the evil to be feared is not the diminution but the undue increase of inhabitants. That population, instead of being a torpid agent, requiring to be goaded by artificial stimulants, is a power almost always stronger than could be desired, and producing, unless restrained by constant prudence and self-denial, the worst forms of misery and vice. These views are as just as they are important. But they have been caricatured by most of your followers. Because additional numbers *may* bring poverty, it has been supposed that they necessarily *will* do so.²

Whether this potentiality would emerge into actuality depended, in Senior's mind, on the facts. Hence he entered upon a searching survey of the conditions bearing on the problem. His last series of

¹ Vol. II, pp. 263, 264.

² Vol. I, p. 365.

lectures contains a more elaborate and complete statement of Senior's views than anything published during his lifetime.¹ With reference to the facts, he reclassified the checks to population growth as preventive (prudence, luxury, law and landlordism), destructive (the same as Malthus' positive checks: famine, war and disease), and remedial (emigration). Malthus had disregarded the influence of luxury, law, landlordism and emigration. Senior substitutes "prudence" for Malthus' "moral restraint" and regards it as no business of the economist "whether the prudence by which marriage has been retarded or prevented has or has not been accompanied by strict morality". Both "prudence" and "luxury" are involved in the determination of standards of living. Enhanced production due to social developments, Senior takes to be a fact. Another fact, and a check of the first importance to population, is rising standards of living. Thus he avoids the horns of the Malthusian dilemma and substitutes for the premise that population tends to increase faster than food the conclusion that, in the absence of disturbing influences, the means of subsistence tend to increase more rapidly than population.

4. *The Wages Theory*

Senior's opinion that wages, rent and profit were but vaguely distinguished from each other has been referred to at an earlier point in this article. To avoid ambiguity, he adopts and consistently adheres to the view that wages consist of income derived from labor—gains derived from monopoly advantage (rent) or from the ownership of property (profits) being excluded. Thus wages are receipts—not disbursements. Wages are not a price paid for labor—nor do high or low wages and high or low labor costs have any essential relationships. Wages are what laborers receive in goods and services in return for their labor. And the determinant of a laborer's condition and conduct is not the amount of his individual wages, but rather the amount of wages received by his family.

Senior attacked J. S. Mill's statement of the wages-fund theory on the ground that Mill failed adequately to account for the creation of the fund out of which wages are paid.² His own statement of this process is as follows:

¹ Vol. I, pp. 285-375.

² His critical and constructive views were succinctly set forth in a review of Mill's *Principles*, published anonymously in the *Edinburgh Review*, October 1848, which article is an integral part of the present book. See especially vol. II, pp. 227-280.

The extent of the fund for the maintenance of labor depends, in the first place, on the productiveness of labor in the direct or indirect production of the commodities used by the laborer; and, in the second place, on the proportion of the number of persons directly or indirectly employed in the production of things for the use of laborers to the whole number of laboring families. The productiveness given, it depends on the proportion. The proportion given, it depends on the productiveness.¹

The market interrelations of wages and the prices of commodities also receive consideration.

Wages [Senior wrote], depend on the supply, on the one hand, of labor, and, on the other hand of the commodities intended for the use of the laborer. If the supply of the commodities intended to be used by the laborer is diminished, (*i. e.*, if commodity prices are increased) he is forced to work more hours for the same wages; to send his children, and perhaps his wife, to the factory—in short, to increase the supply of labor. If the supply of those commodities be increased, (*i. e.*, if commodity prices decline) he can support himself by less exertion; he can keep his wife, and perhaps his eldest girl at home—in short, he can diminish the supply of labor, and he does so.²

Senior's major doctrines have varied considerably in their consequences to the trend of economic science. His views regarding population had an almost immediate influence on the theory of that subject by receiving the endorsement of Malthus and the partisan support of McCulloch. His conceptions of value determination and of rent were seeds which flowered brilliantly in the writings of Jevons and his followers. His wage theory, on the whole, has been less effectual and fruitful than his other major views. Yet it seems patent in the present book that Senior might easily have cast aside the wages-fund concept, and thus have freed himself to construct a theory of wages based on productivity and psychological motives.

This brief analysis has indicated only the broader differences between Senior's views and the prevailing doctrines of his time. No attention has been paid to illuminating minutiae of his argument, or to the voluminous assortment of detailed facts which are mustered to the defense of his position. Nor have all of his major differences been exploited, as *e. g.*, his deviation from the classical statement of the quantity theory of money. Yet perhaps enough has been said to demonstrate that Senior was not, from the standpoint of doctrine,

¹ Vol. II, pp. 253-254.

² Vol. II, pp. 256, 257.

a Ricardian classicist. It is to be hoped also that enough has been said to make it clear that Senior constructed a consistent system, the logical foundations of which do not vary greatly from those which underlie "modern" systems of economic theory. In order to make plain his differences from his contemporaries we have given, perhaps, an undue weight to the contentious aspects of his work. To object to prevailing ideas is a part of the function of every original thinker. Aristotle did it; so did Jevons, Schmoller, Davenport and Veblen—to name only a few. And this comprehensive work of Senior's should be a sufficient refutation of Professor Taussig's charge, quoted above, that he did not "push his work beyond the stage of criticism".

Students of Senior's earlier work probably will say: "But most of the general distinctions of doctrine outlined here are contained in the *Political Economy*." That is true. Senior's matured major views varied only slightly from his earlier ones. Yet, whereas much of importance in the earlier work exists only by inference, or allusion, or as a derivative from something which seems inferior to itself, these matters are explicit in the later book and are associated with more precision as to perspective and mass.¹ The *Political Economy* compares to the present work much as an outline does to a complete essay, or as a narrow group of discrete but mutually consistent propositions does to a comprehensive treatise which has unity and coherence. Yet the difference in method between the earlier book and the later appears to be entirely one of degree.

Senior was one of the earliest economists to concern himself seriously with questions of methodology. In 1860, he read a presidential address before the Economics Section of the British Association for the Advancement of Science on the uses of statistics to economists. More important than this non-technical discourse was his declaration, in his *Four Introductory Lectures in Political Economy* (1852), that political economy is a positive, not a hypothetical science. The same argument is set forth in the present book, again in the form of a dispute with classical ideas.

Neither the reasoning of Mr. [J. S.] Mill nor the example of Mr. Ricardo induce me to treat political economy as a hypothetical science. I do not think it necessary, and, if unnecessary, I do not think it desirable. It appears to me that if we substitute for Mr. Mill's hypothesis that wealth and costly enjoyment are the *only* objects of human desire, the statement that they are universal and constant objects of desire, that

¹ Some of the credit for this effect belongs to the editor, Mr. Levy.

they are desired by all men and at all times—we shall have laid an equally firm foundation for our subsequent reasonings, and have put a truth in the place of an arbitrary assumption. We shall not, it is true, from the fact that by acting in a particular manner a laborer may obviously obtain higher wages, a capitalist larger profits, or a landlord higher rent, be able to infer the further fact that they will *certainly* act in that manner, but we shall be able to infer that they will do so in the absence of *disturbing* causes. And if we are able, as will frequently be the case, to state the cases in which those causes may be expected to exist, and the force with which they are likely to operate, we shall have removed all objections to the positive as opposed to the hypothetical treatment of the science. . . . A writer who starts from arbitrarily assumed premises is in danger of forgetting from time to time their unsubstantial foundation, and of arguing as if they were true. This has been the source of much error in Ricardo.¹

The earlier statement of this view gave students of economics some difficulty in reconciling it with the *Political Economy*. Senior appeared to be straining at a gnat. The four axioms which form the basis of that book differ from hypotheses only on the hypothesis that they are self-evident truths. The present work is more nearly consistent. Here we have no elementary axioms, no rigorous adduction of theorems, no intellectual gymnastics in pure economics. Senior worked deductively. In his singularly orderly mind, he classified and sub-classified his material until every significant consideration which could be reached by this approach had been brought into relief. The basis of classification in each instance inheres in his major thesis. Any system must be consistent with some organizing principle—whether it be called a working hypothesis or a fact. Senior's facts appear to come after, rather than before, his organizing principle, although if they were presented as data, instead of as illustrations, they would give the appearance of solid foundations for his doctrines. Thus Senior remained a deductivist and a representative, not of classicism, but of something broader—the most adequate scientific method of his time.

The present book throws new light on the drift of economic theory. J. S. Mill was, in some respects, the most highly refined product of the classical school. But, in the development of political economy in Britain, it is not he, but Senior, who spans the space between Ricardo and Jevons.

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¹ Vol. I, p. 17.

A PAGE OF DIPLOMATIC HISTORY: RUSSIAN MILITARY LEADERS AND THE PROBLEM OF CONSTANTINOPLE DURING THE WAR

NO record is probably more valuable and interesting to the student of history than a correspondence between men who were immediately connected with an important historical event and who discussed their problems freely in the assurance that their writings would never see the light of publicity. To this class undoubtedly belongs the recently published collection of letters¹ addressed to M. Sazonov, Russian Minister of Foreign Affairs, by Prince Kudashev, who was the representative of the ministry of foreign affairs at the army headquarters from August 1914 until March 1916. The collection also includes a number of letters from M. Bazili who succeeded Kudashev when the latter was appointed ambassador to China. Mr. Bazili is already familiar to students of Russian diplomatic history as the assistant to Baron Schilling, permanent undersecretary at the ministry of foreign affairs, a post he occupied at the outbreak of the war. Both Kudashev and Bazili were on friendly terms with Sazonov and their letters reflect the general atmosphere of headquarters with a wealth of detail which one would seek in vain in a purely official correspondence.

The collection is preceded by an interesting introduction by M. Pokrovsky, the well-known Soviet historian. It may be remembered that M. Pokrovsky, who is now a faithful supporter of the Communist rule, achieved distinction in the field of history long before the Bolsheviks came to power. He was trained under no less a teacher than the late Sir Paul Vinogradoff, and if some of the conclusions of his more recent writings should not be accepted without close examination, the excellence of his method is not to be doubted. The judgment which this not too friendly critic passes upon the documents in question contains a timely warning to those over-enthusiastic historians who still look to the archives of Moscow for "revolutionary" evidence on the outbreak of the war:

¹ *Stavka i Ministerstvo Inostrannikh Del (Headquarters and the Ministry of Foreign Affairs)*, in *Krasni Arkhiv (Red Archives)*, vols. XXVI, XXVII and XXVIII, Moscow-Leningrad, 1928.

The letters of Kudashev to Sazonov . . . are among the most valuable sources for a diplomatic history of the war of 1914-1917. Publications dealing with war-time diplomacy are, so far, by no means as complete as those concerned with the pre-war period. In the latter case the chief task now consists in the systematization of the documents already published and in the elucidation of certain details important from the point of view of polemics, the old habit of distorting facts in this field necessitating a careful scrutiny of every bit of information. But it is idle to expect from new publications an addition to our knowledge of the fundamental facts which led to the outbreak of the war. Every unprejudiced person familiar with the documents already available has a clear idea as to by whom, when and how the war was started, and for what reason.

It would be hardly possible to attempt in a short article the review of all the topics discussed in letters covering almost two years and dealing with a wide range of subjects. The most important among them, from the point of view of diplomatic history, are the negotiations which preceded the decision of Italy and Rumania to side with the Allies, and the problem of Constantinople and the Dardanelles. The latter question is of particular interest and demands discussion at some length. Although the letters of Prince Kudashev relating to Constantinople and the Straits have already been published in the two-volume collection of documents, *Konstantinopol i Prolivi* (*Constantinople and the Straits*), issued by the Soviet government in 1925 and 1926 they have not yet attracted the attention they well deserve, owing probably to the difficulty of the language. In particular, the attitude of the military leaders of Russia towards the problem of Constantinople during the War has never been, to the best of our knowledge, adequately presented to the American public.

No attempt will be made here to present, however briefly, the policy of the Russian ministry of foreign affairs in the question of Constantinople and the Straits.¹ It may be useful, however, to remind the reader of the attitude taken at the much misrepresented conference of February 8/21, 1914, by the responsible military leaders of Russia towards the possibility of an expedition against Constantinople. Such a possibility, it will be remembered, could not arise, in the opinion of M. Sazonov, unless in case of a European war. This view was warmly supported by General Zhilinsky, chief of the

¹ The views of Sazonov are fully stated in his report to the emperor, dated November 23, 1913, which is quoted at length in Professor Fay's *The Origins of the World War*, vol. I, pp. 524 *et seq.*

general staff, who maintained that in case of a European war Russia would need all her troops on her western front. Quartermaster General Danilov fully concurred in this opinion. As Professor Adamov rightly remarks,¹ the conference was moving in a vicious circle: the problem of the Straits would not occur except in case of a European war, but if a European war should break out all Russian troops would be needed on the Austro-German front and none would be available for Constantinople! The real character of the debate is best illustrated, perhaps, by the fact that General Zhilinsky, abandoning his original point of view, declared rather unexpectedly that a war for the seizure of the Straits might well precede a European war and that this, in his opinion, was even likely to happen. Sazonov had to intervene and to explain to the chief of the general staff the incompatibility of his assumption with the existing political situation, which is the official way of telling an associate that his suggestion is utterly out of the question. Other plans advanced for providing the troops needed for an expedition against Constantinople proved equally impracticable.² Nevertheless the conference passed to the discussion of technical matters connected with the landing of an expeditionary force in Constantinople, such as the speeding of the mobilization, the improvement of the transport of troops, the increase of the Black Sea fleet, etc. The decisions reached on these points were submitted for approval to the emperor. It seems almost unbelievable that this inoffensive gathering of bureaucrats, rather pathetically conscious of its own helplessness, has been branded for years as the sinister conclave which deliberately set Europe on fire.

But let us return to our documents! Soon after the outbreak of the war, the whole question of an expedition against Constantinople was raised again in a letter of Sazonov, dated December 8/21, 1914, to General Yanushkevich, chief of staff of the Grand Duke Nicholas. Sazonov maintained that neither the victories over Germany and Austria, nor diplomatic negotiations alone would lead to the solution of the "Eastern problem" in accordance with the desires of Russia.

¹ *Konstantinopl i Prolivi*, vol. I, p. 78.

² For instance, M. de Giers, Russian ambassador in Constantinople, advanced the opinion that "anarchy in Constantinople" would follow the declaration of war and would paralyze the Turkish army, thus opening the road to the Turkish capital for the Russian troops stationed in the Caucasus. General Zhilinsky very properly described this suggestion as "impracticable".

He believed that force should be used against Turkey, and asked General Yanushkevich to let him know what could be done in the matter. The general's answer was, that "the question of sending an expedition for the seizure of the Straits could not be considered until we have obtained a decisive victory on the western front." M. Bazili, who was at that time Prince Kudashev's assistant, properly describes this answer as a piece of "red tape." The general, in his opinion, simply did not understand the letter of Sazonov, who wanted to know whether Russia could carry out an independent operation against Constantinople or would have to rely upon the support of other nations. In the latter case Sazonov felt it his duty to open appropriate negotiations with the Allies. After a repeated request from Sazonov, Prince Kudashev had an audience with the Grand Duke Nicholas, and drew up at his dictation a memorandum, dated December 18, 1914, in which the commander-in-chief emphatically declared that "the seizure of the Straits by our troops alone was entirely out of the question." In the opinion of the grand duke, Russia should be satisfied with the promises already obtained from her Allies, that her interests would be taken into consideration when the problem of Constantinople and of the Straits came under discussion.

On January 8/21, 1915, Sazonov communicated to headquarters Lord Kitchener's plan to force the Dardanelles in the middle of February and his request for Russian coöperation. Sazonov expressed the view that if Russia were not in a position to take a fitting part in the undertaking it might be desirable to suggest that the expedition against the Dardanelles should be altogether postponed. The grand duke, however, did not share this view. While declining to take any direct and immediate part in the operations, for the Russian army and the Black Sea fleet were equally inadequate to the task, the grand duke declared himself in favor of the proposed expedition as highly important for the common cause of the Allies. Quartermaster General Danilov urged Prince Kudashev to ask Sazonov "not to damp the enthusiasm of the British" because even an unsuccessful attempt to force the Dardanelles, would be greatly to the advantage of Russia.

All that I have heard from our military leaders brings me to the following conclusions [wrote Kudashev on January 12/25, 1915]—(1) the forcing of the Dardanelles is considered to be extremely difficult, almost impossible; (2) an attempt to force them is useful to us and,

from the military point of view, even desirable; (3) even in case of failure we shall gain by it; (4) in case of success we have nothing to fear and our gains will be still greater; (5) at present we can take no part in the expedition—in May our Black Sea fleet, reinforced by new units, may assist our Allies; (6) we can send no troops to speak of to take part in the expedition until our complete and undoubted victory over Germany is assured.

In the same letter Kudashev reported General Danilov as saying to him that "the annexation of the Bosphorus should not be taken too lightly . . . it will require a separate war, and whether Russia will be able and willing to wage that war, he very much doubted." This view, however, was not shared by the emperor, who was visiting headquarters. On February 1/14, 1915, Kudashev informs Sazonov that General Yanushkevich has told him that the emperor has decided that the problem of the seizure of the Straits should be handled at headquarters, and that His Majesty does not admit of any other solution but the annexation of the littoral of both Straits.

In a very interesting letter of February 10/23, 1915, Kudashev, who just had a long conversation with General Danilov and Admiral Nenyukov, analyzes the whole situation resulting from Russia's inability to send troops or a fleet to Constantinople. He believes that in case of the success of the Dardanelles expedition France and Great Britain will offer Russia an opportunity to carry out her intentions and take possession of the Straits. But Russia will not be able to do so, and the most natural course for the Allies under the circumstances will be conclusion of peace with Turkey. However harsh may be the conditions imposed upon her by the Allies, it is unthinkable that she may be induced, under the pressure of the fleet alone, to part with her capital.

And therefore [wrote Kudashev], the solution of the problem of the Straits "in accordance with our interests" as we, who treasure the historical inheritance of our past, understand them, will not take place. We must not only reckon with this harsh fact but, to the best of my belief, must accept it, and endeavor to prepare public opinion for it. Nothing is more dangerous than to refuse to see things as they are and to flatter oneself with dreams, however dear they may be to us. The annexation of Constantinople not only now, when so many external conditions are so unfavorable to us, but even for a long time to come, will remain a mere dream, because we are lacking in the moral and military power necessary to make it come true.

The very next day, however, a new development took place which

altered, at least to a certain extent, the pessimistic outlook of Prince Kudashev: he informed Sazonov that General Danilov was reported to have decided that one army corps might be sent to Constantinople in case the forcing of the Dardanelles by the Allies should be successful. Kudashev realized that one army corps was not sufficient to take and to retain Constantinople, but he believed that the presence of Russian troops would considerably change the situation, and might result in the settlement of the problem of the Straits in accordance with the wishes of the Russian government.

The fundamental problem of the Straits, however [wrote Kudashev], will not be affected by the sending of one army corps, nor will it change my conviction that neither morally nor physically are we ready for the annexation of the Straits. When I say "morally" or "spiritually" this is what I mean: to settle down in Constantinople, as crusaders proclaiming the triumph of the Orthodox Church, is out of the question because of our Pan-Slavic sympathies and affiliations, and our dislike of the Greeks; to add to that, the moral authority of our clergy is hardly very high in the opinion of the Greek clergy. To play the part so brilliantly performed by England in Egypt, we are utterly incapable. Then, what is going to happen if, by a decree of Providence, we obtain possession of Constantinople, the Straits, etc.? Among other things, we shall have against us all the local population made hostile by our backward administrative methods and especially by our treatment of the non-Russian subjects of the Empire; also Bulgaria and Greece, who have quite determined views about the Straits, and especially about Constantinople; and then Rumania, whom we are trying to win on our side and who will be hardly attracted by the rumors of our desire to settle down on the Bosphorus, which would mean for her the impossibility of obtaining an outlet from the Black Sea.

The question of the participation of the Russian troops in the Dardanelles expedition, strongly advocated by the ministry of foreign affairs, was soon raised again. It was suggested in the spring of 1915 that a Russian expeditionary force of some 4,500 men should be sent via Vladivostok to join the Allied expeditionary forces. Lord Kitchener, however, opposed this plan on the ground that it would give a great deal of trouble to the British while its practical effect would be negligible. Prince Kudashev communicated the apprehensions of Lord Kitchener to General Danilov.

The latter [wrote Kudashev on June 9/22, 1915] took it very much to heart. He told me that as a Russian he cannot admit the idea that the occupation of Constantinople will be carried out without the parti-

cipation of Russian troops, that if the English complain that our expeditionary force will give them trouble, this does not matter in the least. They simply don't want us to take part in the operation, they don't want us to enter Constantinople together with them.

And when Kudashev attempted to calm Danilov by remarking that Sazonov, too, did not think it worth while to send troops, unless one could dispatch a substantial force, the general replied:

Then let M. Sazonov make it clear. If he is willing to take upon himself to explain to Russia why Constantinople has been taken without the participation of our troops, then let him do it. But we [the military] don't want to suffer the reproach that we could not find 4,000 men for this operation. . . .

And then [added Kudashev] he told me that he fails to understand my argument. . . . It seems to me that we are all inspired by the same feeling, by the same desire to see Constantinople taken by our troops, or largely by our troops. (This would also be acceptable to the English.) But as our wishes cannot be satisfied, we are looking for various substitutes: Danilov accepts the idea of our "symbolic" participation, in the shape of 4,500 men. . . . I would prefer our complete non-participation in the expedition, especially as it will be obtained at the price of unpleasant conversations and friction with the Allies.

At the end of August 1915 the Grand Duke Nicholas was sent to the Caucasus and the immediate leadership of the army was assumed by the emperor with General Alexeev as chief of staff. These changes, coupled with the failure of the Dardanelles expedition, gave a new orientation to the attitude of headquarters towards the problem of the Straits. In his letter of September 19/23, 1915, Kudashev reported his conversation with General Alexeev who declared that the liquidation of the Dardanelles expedition was a matter of the greatest importance because it would make possible a separate peace with Turkey, with the resulting transfer of the army of the Caucasus to the German front, which might prove a decisive factor. "This leads me to believe," remarked Kudashev, "that General Alexeev is rather sceptical as to the probability of our annexation of Constantinople."

The entrance of Bulgaria in the war on the side of the Central Powers removed the last doubts Kudashev could have as to attitude of the chief of staff towards the problem of Constantinople.

The situation created by the decision of Bulgaria to join our enemies [wrote Kudashev on October 8/21, 1915], is considered by General

Alexeev so serious that he emphatically declared to me that we will not be able to get out of it unless we conclude peace with Turkey. To my remark that such a peace, even if it could be concluded (and this seems all but impossible for technical reasons) would mean the ruin of all our hopes for a settlement of the sore problem of Constantinople, General Alexeev replied: "What can be done? One has to accept the inevitable."

Ten days later, however, Kudashev reported to Sazonov that General Alexeev made no further mention of separate peace with Turkey, probably because he realized that it was impracticable. But he was mistaken. The success of the Russian army on the Turkestan front and the capture of Erzerum early in 1916 brought General Alexeev back to this subject. In a letter dated February 5/18, 1916, Kudashev reported that while not insisting on a separate peace with Turkey General Alexeev would like to submit to the minister of foreign affairs certain considerations bearing on the matter. The hope of Russia to obtain compensation on account of Turkey had been frustrated. The proposed annexation of the Straits was a tremendous obstacle on the road to peace. The most important task of the Allies at the present time was the defeat of Germany and it could not be achieved without heavy sacrifices. It was idle to speak of territorial expansion in any direction when a large portion of one's own territory was occupied by the enemy. An offer of peace to Turkey on the basis of the *status quo ante bellum*, if successful, would be an important, perhaps a decisive, step towards the achievement of the main purpose of the Allies. "Of course, we would have to renounce some beautiful dreams." But they cannot be realized, anyhow, under the present conditions.

The interesting documents of which this review gives only a few excerpts, seem to show that the glamor of Constantinople did not blind all the statesmen of Russia. General Alexeev was certainly among those who had little faith in fulfillment of Russia's "historic mission" on the shores of the Bosphorus. And while the ministry of foreign affairs, backed by a strong body of public opinion, claimed Constantinople or at least the Straits, there were also thoughtful men like Prince Kudashev who doubted not only the feasibility, but even the desirability of this undertaking.

MICHAEL T. FLORINSKY

COLUMBIA UNIVERSITY

REVIEWS

Europe. By COUNT HERMANN KEYSERLING. Translated by Maurice Samuel. New York, Harcourt, Brace and Company, 1928.—399 pp. \$5.00.

Count Keyserling's latest installment of world—or worldly—philosophy is given the subtitle, "A Spiritual Guide to Europe". A more accurate title would be "Count Keyserling and His Europe". For this Europe is probably the Europe of no other observer. I know of only one other book which gives in the same degree the feeling that the author knows completely and finally whereof he speaks. That book is Max Beerbohm's *Seven Men*. Whatever is said about these seven men is absolutely true, for they had no existence outside the author's own imagination. Nor does the resemblance of the two books end there. Both create a feeling of reality by the same device. Both abound in what a character in *The Mikado* calls "corroborative detail added to give verisimilitude to an otherwise bald and unconvincing narrative". Hiding behind his seven fictitious characters Beerbohm pokes fun at the foibles of his fellow Englishmen. In a similar way Count Keyserling includes, with many absurd generalizations about European peoples, much that is probably apt and true about individual nationals of the countries concerned, creating an illusion of comprehensive intimacy out of the minutiae of character criticism.

The author's broad knowledge, wide contacts and acquaintances and rich experience add to these almost unlimited generalizations the atmosphere of omniscience. Occasionally this is admitted. "Seen not only from the high point of vantage, but from the point of view of God Himself, mankind looks like what the *grand seigneur* judges it to be" (p. 198). Now the Count *is* the *grand seigneur*. As such he writes throughout this book. The title page of *Europe* bears the apostolic legend "For all have sinned and come short of the glory of God". The various chapters of the volume reveal this clearly, so far as people are concerned, but not as affecting the *grand seigneur*.

Herein lies the great value of the book: it gives an interpretation of Europe from the standpoint of the "intellectual" and of "the

intellectual class". Many books are as frankly aristocratic in their attitudes; none, so far as I know, so frank and complete in their estimate of all others from this particular point of view. To the observer who may believe that very many of the fundamental ills of various European countries are due to the dominance of this same intellectual class or to the *grand seigneur*, surviving beyond his age, this intimate portrayal of the sins and defects of all is very enlightening; "all culture hitherto has been established by conqueror races" (p. 210).

The defects of democracy are not so much exposed, as the glories of aristocracy illumined. To the author Hungary and Spain represent the highest present-day product of European culture. In fact, the chapter labeled "Hungary" should have been the general introduction to the entire volume, for at least any one can understand it. Any one who has had personal acquaintance with the intellectuals or the aristocracy of these two countries may quite readily admit all the comments on their admirable qualities, without necessarily accepting theirs as the norms for all societies, as does the writer. But the critic who feels inclined to question the nature, extent and certainty of Count Keyserling's knowledge of the nations whose souls he so positively portrays will find his answer in the following sentence which occurs in this section: "If the heavyfooted, respectable middle class could only understand how lightly all really serious decisions come to truly superior persons!"

To the American who remembers any of the details of Count Keyserling's late visit to America, the reading of the book gives rise to speculations, probably irrelevant but none the less interesting, as to the kind of entertainment which was offered to the author in various countries of Europe on the occasion of the visits preliminary to the preparation of his book. One can imagine, for example, an official neglect in Switzerland, forcing the distinguished visitor to patronize the hotels, and the picture of Switzerland correspondingly characterizing the Swiss as a nation of innkeepers. Sweden, on the other hand, evidently made the Count very welcome and fed him instead of listening to him. The most human note in the book is the author's evident satisfaction over the treatment he received in that country. And who knows what responsibility for the Count's judgment that the English are of the unreflecting animal type must be borne by England's unimaginative cooks and undemonstrative hosts.

Of almost every trait which persons of the "heavy-footed, respectable middle class" find admirable in the national groups de-

scribed, Count Keyserling is altogether scornful. For work he has the utmost contempt. Democracy he finds passé and spiritually without significance. Only to those nations and to those national characteristics which seem least worthy does he give grudging credit. He saves his praise for Spain and Hungary, whose rôle in European affairs seems to offer no possible rivalry to that of Germany. He seems to believe that the truest measure of worthiness of soul is to be found in the mortification of the flesh; and that praiseworthy spirituality can flourish only in the absence of any personal or national ability to play a creditable part in the world at large.

Americans will enjoy the book. It is human nature to take satisfaction from the discovery by someone else of defects of character whose existence we had not even imagined in persons for whom we have a measure of dislike because we have been patronized by them. To get the full enjoyment of this book, however, the American public should read it quickly. That Count Keyserling should restrain his pen from a devastating description of democratic America is inconceivable, and Americans should therefore get such pleasure as they may from the reading of *Europe* before the inevitable companion volume *America* comes from the press.

PAUL MONROE

COLUMBIA UNIVERSITY

The Oxford History of the United States. By S. E. MORISON.
New York, Oxford University Press, 1927. Two volumes.—
xv, 461; viii, 531 pp. \$10.00.

This book was written for the English public; it is presented to that of America, because England gave "a quiet place in which to sit down in peace and write about America, and . . . a far-off place of calm from which to view America." Its scope, it is stated, was largely determined by the questions asked by English friends and Oxford undergraduates. It cannot be said that these conditions have produced striking novelties in contents or interpretation. Somewhat more attention is given to diplomacy than in most treatments of similar length, but the story is the classic tale of the formation of the constitution and the struggles of North and South. Some 461 pages bring general development from 1780 to 1835, an average of about nine pages per year; then 141 pages continue the story from 1835 to 1860, an average of about six; 182 pages are devoted to the four years of Civil War, an average of about forty-five; and 150 pages

cover the period from 1865 to 1917, an average of about three; 29 pages of admirable bibliography complete the volumes.

The story is beautifully told, with much evidence of quiet reading, more in sources than in monographs. It is told with detachment, but not with sympathy. The West and the old Middle states are pale ghosts, the South recognized, but not understood. Of the Southern attitude toward the situation in 1850, Mr. Morison remarks: "More likely we need a psychotherapist to unravel the Southern complexes of that day" (vol. II, p. 98). Evidently he did not employ one, as, while he has learned much of Southern economics from Phillips and Dodd, he knows no more of its politics than did Mr. Rhodes; though perhaps the presence of a haze in place of the latter's clear-cut confidence indicates an advance. The difference between his attitude toward North and South is illustrated by the fact that while in many ways he disapproves of Garrison, the latter thrills him (vol. I, pp. 460-61), while Calhoun tires him (vol. I, p. 389).

To confine ourselves to the treatment of the Civil War, it may be said in the first place that this is the best account of a similar length. The discussion of Southern resources contains points not elsewhere in print. The narrative of military affairs is excellent and includes admirable sketches of Lee, McClellan and Grant. The author accepts Channing's theory of the failure of morale in the South: a theory which certainly cannot be held to err without authority, although the reviewer disagrees. With more confidence, the latter questions the ascription of first place among our military historians to Ropes (vol. II, p. 495). More important is the failure to recognize the strategic and historic importance of railroads.

Politics are dealt with more briefly and less satisfactorily. Lincoln is often quoted, but his principal problems are not presented, for instance that of deciding between war and peace, nor is his influence in 1864 appreciated. The legend that the Republican party receded from high ground in 1860 is restated almost in the words of Godkin. Lincoln's renomination in 1864 is said to have been by the Republican Convention (vol. II, p. 310), which statement is corrected in a footnote. The Democratic policy during the war is not understood, and the majority faction is referred to only in a footnote (vol. II, p. 313). The attitude of the Southern Unionists, such as Stephens, and that of the financial interests of New York, are equally misstated (vol. II, pp. 146, 165).

With the close of the war, comes the usual abrupt change to unqualified criticism of Congress. Few would now accept the state-

ment that: "Southern society remained static, immune to modern movements of education and social regeneration", until 1900 (vol. II, p. 346). Some looseness is indicated by such statements as that Thaddeus Stevens was "ill-educated" (vol. II, p. 335), and no one who reads the Andrew Johnson MSS. will suppose that he "had all the private virtues" (p. 336).

CARL RUSSELL FISH

UNIVERSITY OF WISCONSIN

Le Monde Économique, 1918-1927. By ACHILLE VIALATE.
Paris, Marcel Rivière, 1928.—258 pp. 30 francs.

There are two possible forms of approach to the subject of this volume—the descriptive and the analytical. Professor Viallate has limited himself largely to the former and has furnished an excellent, helpful survey of the nine years or more covered by his treatment. He divides the study into five chapters dealing with (1) destruction, disorganization and reconstruction, (2) financial reorganization, (3) industrial reorganization, (4) economic policies and (5) national necessities and ambitions.

Each chapter is a description of the field indicated by its title. Because of the chosen method of treatment there is little that is controversial, the only opportunities for dissent in the first three or four chapters arising perhaps from choice of topics and emphasis given to one as compared with another. To dwell on such points when the field covered is so wide would be inappropriate, for the survey is an admirable one and differences on such matters are relatively unimportant for treatment in a brief review. He closely pictures the destruction from the war, the early post-war disorganization and the later recovery in the different fields of economic activity. The heavy direct losses in the war, the over-expansion in many lines of production and the fact that the post-war difficulties are due largely to disorganization rather than to actual lack of productive capacity, are effectively presented. The same favorable comment may be made regarding his discussion of the economic policies of different countries. Under this heading he treats of (1) raw materials and energy, (2) population growth, (3) commercial policy, (4) the economic work of the League of Nations and (5) economic internationalism. American policies are on the whole understood and sympathetically presented. The point on which the reviewer strongly dissents from his treatment in this chapter, however,

is his contention that the study of international industrial ententes dominated the labors of the World Economic Conference at Geneva in 1927 (p. 188). On this issue there was extended discussion apparently to give many delegates an opportunity for public debate but the report on this topic was comparatively unimportant and was rather colorless. Much more real effort went into the discussion of commercial policy, a stronger report was produced on it and in the long run more valuable results are apt to follow from it than from the report on ententes.

In the last chapter dealing with national necessities and ambitions there is, of course, much more opportunity for disagreement. A presentation side by side of the necessities and ambitions of England, Germany, the Succession States, France, Italy, the United States, Russia and the Far East is a much-needed and heroic attempt, but is bound to cause dissent. Even intelligent observers in any given country are often uncertain regarding the necessities and ambitions of their own country and are very apt to err in stating those of other countries. Perhaps the author's difficulties lie partly in his belief that, in the international field, politics and economics are in opposition, that in the past the former has been dominant though in the future their positions may be reversed (pp. 195-6). This view is a common one but gives too little emphasis to the inextricable interrelations of the two.

Rather than to stress in this review any strong disagreement with particular judgments of Professor Viallate it is better to emphasize the two outstanding difficulties inherent in any such study as the one he has attempted. One is the fact that the field to be covered is so enormous and the issues so intricate. General surveys are needed and it is to be hoped that more and more of them will be attempted, yet no student will be able to present all aspects of so huge a topic in a manner to which there will be complete agreement. In this instance the reviewer feels that inadequate attention has been given to the viewpoints of many countries. French and English material is the most thoroughly covered. The American bibliography contains many excellent works but likewise omits much of the best. German authorities are conspicuously absent, except as the authors of several of the documents presented to the World Economic Conference. Other countries could be mentioned to which it would seem the ideal amount of emphasis has not been given. Yet what one of us could have covered so vast a field?

A second difficulty is that detachment is not easy. This is partly

an outgrowth of the first difficulty, the inability of any one student to cover so vast a field. But it is in part due to the controversial nature of many of the issues and the strong nationalistic viewpoints that many of us still retain. Professor Viallate here and there, though seldom, lets us see his own background. But again we may wonder whether any of us would do better.

More such studies are needed. This one gives the student a convenient summary with a moderate amount of interpretation, perhaps as much as can be effectively written at present. Later studies, many of which we may hope will come from the same author, will not only supplement this assembly of fact material but will go still farther in helping us understand the delicate and intricate issues involved.

ERNEST MINOR PATTERSON

UNIVERSITY OF PENNSYLVANIA

Locarno: The Reality. By ALFRED FABRE-LUCE. Translated from the French by Constance Vesey. New York, Alfred A. Knopf, 1928.—viii, 209 pp. \$3.00.

The present little book carried a title in the original French which was slightly more accurate as a description of its contents than the title which has been given to it in the English translation. It was there called *Locarno Sans Rêves* (literally, "Locarno Without Illusions"). The treatment is so pungent and caustic that it seems a pity that the original title was not preserved. (The publisher's jacket of the American edition carries a still less vigorous title: "Locarno: A Dispassionate View").

The objects of the writer are two, namely, to provide an intelligent realistic commentary upon the true state of European or world politics—thereby providing a searching study of the problem of maintaining peace in the world by means of the League of Nations and the Locarno treaties—and to set out a practical program with that aim in view. To this end we are given six chapters of uneven length which carry such titles as "Has Nothing Changed?", "Geneva Insufficient", "Locarno—A Policy", and "Learn or Perish". In point of fact the text runs along from page to page and from chapter to chapter in a rather smooth and casual manner, and while here and there systematic passages and closely reasoned argument occur, the prevailing style is that of the staccato commentary. The reader is left with the impression that the realistic critique of existing peace

programs more than counterbalances the aspiration and the proposed program at the end.

M. Fabre-Luce is disheartening to the peace people and the Leaguists. It is true that he repudiates Cambon's cynical denial that any change has come over the face of things since 1914; and he points out some six or seven changes which have actually occurred in recent years in the facts of international life to sustain his position. But he points so clearly and so surely to the fundamental weaknesses of the League and the Locarno pacts that the net result is not greatly in favor of peace in the world. By taking the Covenant at face value and attempting to discover the probable results of an attempt to operate the elaborate system of sanctions therein contained he—deliberately or not—accentuates the mechanically unworkable character of the League when considered as an effort to guarantee and preserve peace by coercion. He also shows the decisive reasons for this at least at the present time—the non-participation of the United States (not emphasized), the tepidity of Great Britain, the moral isolation of Russia, and continued Franco-German estrangement, not to mention any others. These things may all still be said when the Locarno system is brought into consideration. The result is to suggest that only far more fundamental changes than have come about as yet will serve to avert war. The assumption on the part of the governments of the Powers of an absolute and an almost unreasoning refusal to tolerate war—as an incident of international politics and therefore as an instrument of national policy—would alone bring this result, or, failing this, the sort of revolution against the professional statesman-diplomat group which threatened ten years ago. We may very well see the failure of the statesmen-diplomats to make the necessary great refusal; and we may, as M. Fabre-Luce intimates, very well see another carnage; in such case we shall almost certainly see another more general and more sweeping revolution.

But what is M. Fabre-Luce's program? He claims to offer a solution: "Our aim throughout this book has been to formulate a practical program". By it he should be judged.

To a certain extent it is merely the general idea of "an organized peace, founded on collaboration between the Great Powers, on defense of their common interest [in the maintenance of peace] and its progressive identification with the general interest". And in so far the suggested program lacks the originality of the analysis which preceded it, and its power to convince. For M. Fabre-Luce has already shown that collaboration between the Great Powers is

exceedingly difficult, their common interests few, and their appreciation of their common interest in the preservation of peace slight, not to mention the impossibility of identifying their interests, apart from the maintenance of peace, with that or those of other nations. If this were all, M. Fabre-Luce's suggestion would be disappointing. Even when he adds a sharper proposal for Franco-German *rapprochement*, entente, or even alliance, one is hardly convinced. That is not a new idea, exactly. True, such union would, as the writer points out, provide a firmer basis for the League than trans-Atlantic philanthropy or trans-Channel partial solicitude. But the reviewer for one remains unconvinced that the critique of the general League-Locarno theory does not apply here as well. Granted that, other circumstances being as they are, such a development promises more than any other step in the direction of deliberate peace-making. But has not M. Fabre-Luce shown us not merely Locarno and the League *sans rêves* but also Europe and the international world in their hard facts, namely, in absence of any international political unity or any consciousness thereof? That being the case, is any degree of effective world government not impossible and the hope of peace not dependent upon voluntary renunciation plus voluntary conciliation? Or upon revolution against the diplomats who make war? The great value—and a very great value—of the present book is its searching analysis of the existing situation; as such it is, to the reviewer's knowledge, unrivaled.

PITMAN B. POTTER

UNIVERSITY OF WISCONSIN

Bibliography: Practical, Enumerative, Historical. An Introductory Manual. By HENRY BARTLETT VAN HOESSEN and FRANK KELLER WALTER. New York, Charles Scribner's Sons, 1928.—xvi, 519 pp. \$7.50.

This is an encyclopaedic work designed for use as a text-book for college classes. Dr. Van Hoesen, the principal author, is Assistant Librarian at Princeton University. The collaborating author, Mr. Walter, is Librarian of the University of Minnesota. Both have been called upon to teach college and university students the elements of bibliography to the end that after graduating from instructor and textbook they may in any subject that interests them carry on independently "the further acquisition of knowledge, the news gathering of current discoveries, and the production of new researches".

The volume had its origin in a course of lectures given each year by Dr. Van Hoesen at Princeton University, beginning in 1923, lectures designed to give students a command independent of instructor and text book of the sources for individual reading and study. Mr. Walter has drawn upon his experience in conducting a bibliographical seminar in the University of Minnesota and his earlier experience as a library-school instructor. Both authors found their teaching "handicapped by the lack of any text-book suitable for upper-class and graduate students which should at once indicate the scope, functions, and methods of bibliographical work of all kinds and topics, and describe or enumerate the fundamental works through which the student may most advantageously approach the selection of books, whether for study or for purchase, the survey of the literature of any given subject, country, or period, the study of books as books, and the production of new works of scholarship."

Following an introductory chapter the volume begins, as the student is supposed to begin, with a chapter on "Practical Bibliography", that is, the methods of work of a student and author—reading, research, compilation of notes and bibliography, the preparation of manuscript for the press, publication, etc. This is followed by "Enumerative Bibliography", a collective term used for lists of books of all sorts, with one chapter on "Subject Bibliography in General" and separate chapters for the subject bibliography of "Historical and Social Sciences", "Music, Art and Archaeology, Language and Literature", "Religion, Philosophy, Pure and Applied Sciences", "General Reference Books", "Special Bibliographies", "National Bibliographies", "Universal Bibliography, Bibliography of Bibliography. Journals and Series". Four historical chapters deal with the history of book production, the history of writing, the history of printing and binding, and illustrating and publishing. A chapter on library science aims to give the student enough information about libraries to enable him to use them efficiently.

The person whose needs the authors have tried especially to keep in mind and provide for is the student, say in the field of political science, who has begun to specialize and needs to know how to proceed in order to make a survey of the literature of his field. The directions given are necessarily of the most general character, since they must apply to all subjects alike. It is assumed that the specialist with an established reputation will know the literature of his own field better than the general bibliographer, but it is doubtful whether

this assumption is fully warranted in the social sciences, a field in which the bibliography is so poorly organized that it is well nigh impossible for even the specialist to keep abreast of the outpouring of print which bears upon his own specialty. The difficulty lies, as the authors point out, in the fact that in the social sciences a large part of the literature is produced by writers who are not specialists. "Everybody has his theories and opinions on economic, social and political questions — and airs them."

This volume makes no attempt to provide an adequate bibliographical apparatus for any of the social sciences. Mention is made in the three pages of text devoted to political science of only a few of the outstanding bibliographies and works containing bibliographical information. A section of the appendix includes some additional titles and a few are to be found in other discussions of the social sciences, but less altogether than a student should become acquainted with in a good undergraduate course in the subject. The value of the volume to a student of political science does not lie in its ready-made lists of titles, but in the acquaintance it should give with the different types of bibliographies and sources of bibliographical information from which the student who knows how to use them can bring together the literature of any subject in which he may be interested. He should study especially the section listing and describing government publications in which much of his source material would lie buried except for the labors of the expert bibliographer.

Much of the matter included in the volume will have but slight interest for the student of the social sciences, or for that matter for the specialist in any other subject. The inclusion of certain chapters seems to be explained by the fact that the authors are librarians, one of them a palaeographer, and that the volume originated in an attempt to orient college students in the world of books. This accounts for the chapter on bookselling and publishing. The inclusion of chapters on the history of writing and book production is justified on the grounds that in every field there are "classics, historical monuments, which can be thoroughly understood only with the aid of a group of studies on the history of book production which we include under historical bibliography—history of writing, printing, binding, etc."

C. C. WILLIAMSON

COLUMBIA UNIVERSITY

Race and Civilization. By FRIEDRICH HERTZ. New York, The Macmillan Company, 1928.—xii, 328 pp. \$7.50.

It was in the last decade of the last century that the writings of Count Arthur de Gobineau were revived by the great Wagner and his circle. Gobineau himself, with his deep brown eyes, was somewhat fickle in his allegiance to the different branches of the white stock of mankind, though he made numerous flattering references to the tall blond Teuton. Nevertheless, being a Frenchman, he made it quite plain that he did not consider the modern Germans to be Teutonic, but predominantly round-headed Alpines and mongrels. This last qualification was, however, passed over by the new Gobineau cult whose idealizations of the Teuton culminated in the remarkable effusions of Chamberlain, Woltmann and Schemann. They were not only convinced of the right of the Teutons, that is, Germans, to rule the world but had a religious conviction that a revival of Teutonic numbers and leadership was the only way to save civilization from an otherwise inevitable collapse. While the war gave at first an extraordinary impetus and then a check to this Nordic propaganda in Germany it has since been revived, but with fewer wild extravagances and obvious absurdities, in the writings of Eugen Fischer, Fritz Lenz and Hans Günther.

Hertz has written by all odds the most thorough criticism of the vast literature of so-called "racial science" that has come to my notice. While both the general tenor of his arguments and their main factual content have already been made familiar to students of such matters in this country, the wealth of his information and the acuteness of his observations make his work a worthwhile contribution. He is at his best in pointing out the absurdities of race hatred and the contradictory claims made by those who try to explain the historical movement in terms of racial traits. He meets Gobineau and Chamberlain on their own ground and leaves little doubt as to where the chief merit in argumentation lies.

Nevertheless, he has written a badly balanced book. At the very start the reader is impressed by his failure to define race. With a veritable virtuosity of slippery cleverness he glides over the concept of race. What he actually says is that there is no such thing as race (pp. 20-21), since "divisions are only artificial names." And yet he continues to talk freely of races and racial differences to the end. As one proceeds one begins to feel that the author has some deep-seated "complex" regarding racial differences, which leads him, even when admitting them, to take back in the next breath all their significance.

His failure to give definiteness to what he means by race enables him to blithely cite his examples from the Germans, the French, the English, as though these were races.

The author's ability to slide around an important point is shown in his discussion of racial decay. Here he limits himself entirely to the question whether decay has been, in the light of historical evidences, a result of race mixture. He does not attempt to discuss this question in the light of biological evidences. Most important of all, though admitting that upper classes in all advanced cultures breed slowly, he does not face the question whether this might not lead to a decline in the national fertility in superior men. This is all the more striking because the author admits the importance of men of genius for the development of a high culture.

The author's overweening cleverness overreaches itself in his discussion of race crossing. The arguments of the racialists include the contention that the Nordic element was quite pure during the era of cultural ascent in Greece and Rome but became much mixed with alien elements just before and during the era of cultural decline. Hertz seems to think it important to refute both ends of this argument, so he tries to show that the Greeks and the Romans were much hybridized at the start but maintained a rigid caste purity during the decline. Needless to say, his argument becomes somewhat mixed. If the Greeks were impure at the start, and were afterwards rendered more impure by alien infiltrations (each of which the author finds was followed by an outburst of cultural advance), they did not shortly thereafter become pure. Moreover, one cannot identify aristocratic class and race when it suits his argument and deny the right of the racialists to do so when it suits theirs.

Finally, this overreaching of the author leads to the same kind of absurdity with respect to the influences of environment which he criticizes in the racialists. Thus, in support of the idea that the Negro is rapidly approaching the typical European in physical type, he says with reference to certain photographs of Negro journalists: "Many of them undoubtedly show the professional face of the journalist" (p. 268). This is as bad as Chamberlain's contention that children instinctively know a Jew from a non-Jew and have an innate repugnance for the former. Nor can one follow the author (p. 34) in his assumption that it is on account of some subtle influence of environment or mode of life that the Jews of China resemble the Chinese, those of Africa the Negroes, and those of Germany the Nordics.

In a word, Hertz has written a most successful demolition of the historical myths cherished by the orthodox group of racial determinists, but he has betrayed a very considerable blind spot of his own. There is a very large body of data of a fairly accurate sort showing differences in the average mental level of races, his curious tables (pp. 251-2) showing the mental superiority of Negro boys and girls over whites to the contrary notwithstanding. These tables, by the way, are made up by Hertz from some data compiled by the industrious Arthur MacDonald about twenty-five years ago. Why this neglect of the vast literature of recent mental tests? The important question of racial temperament, though admittedly difficult of solution, cannot be brushed aside by a few cavalier statements. Nor does one refute what is sound in the eugenic doctrines either by ignoring them or by rejecting them because they seem contrary to certain aspects of democratic theory.

F. H. HANKINS

SMITH COLLEGE

Political Pluralism. By K. C. HSIAO. New York, Harcourt Brace and Company, 1927.—viii, 271 pp. \$3.50.

Although this interesting and useful volume can hardly be said, as the cover claims, to survey "the whole field of modern political theory" since it is not concerned either with Fascism, Bolshevism, or with modern English and continental restatements of older theories, it does include rather more than one would expect to find under the title of pluralism. It is a difficult thing to frame a definition for pluralism that will at once cover the theories of Krabbe and Duguit, of Laski and the syndicalists, of G. D. H. Cole and of the Webbs. Yet, according to Mr. Hsiao, all these theories are equally pluralistic, since "Pluralism undertakes to transform the State" by discrediting it and comprises all those theories which attack juristic monism. This method of definition by negation leads him to classify even those jurists who would revive the *Rechtsstaat* idea as pluralists on pretty much the same terms with the most intransigent syndicalists.

Such a sweeping inclusion has the virtues of simplification in classification and of dealing broadly with a movement of somewhat amorphous proportions. It makes relatively easy, furthermore, Mr. Hsiao's task of showing that the pluralists are all mistaken in attacking juristic sovereignty, because the logic of the *Rechtsstaat*, too,

demands this unification for the rule of law. On the other hand, he is precluded by his own juristic logic from doing complete justice to the political realities with which some of the theorists whom he terms pluralists are attempting to deal, although he is led later to recognize that pluralism is also a political theory concerned with the validity of political authority and the basis of representation.

It may be worth suggesting that the nexus between political forces and juristic systems is always the weak point of the latter. Analytical jurisprudence simply ignores the problem and contents itself with the tautological expansion of its premise that the state makes law. For political theory, however, it is precisely here that the difference arises between an adequate normative account of political behavior and mere formalism. Mr. Hsiao links up his theories with medieval and ancient thought, but he is, perhaps, hardly enough concerned with modern political facts. One may be permitted to suggest that Duguit can be properly evaluated only against the background of organic economic interdependence and the associational movement that exists within and across the limits of modern nationalism. This is the background of syndicalism, both revolutionary and Fascist. Mr. Hsiao appears to be familiar only with the growth of administrative syndicates. He includes the English literature but seems not to find it necessary to consider either the French and continental syndicalist movement or the ideology of M. Georges Sorel and his like. Yet surely this is the extremest form both of pluralist doctrine and practice, and a form which has the value of showing the purest type of pluralist ideas, just as Fascism shows the most extreme monist type. To classify Mr. Cole and the Webbs as pluralists and leave out the general bearing of the syndicalist labor movement appears to be somewhat arbitrary.

In accepting the theory of a general will, Mr. Hsiao leans heavily on Hegelian idealism. He finds an acceptance of a theory of the general will in all his pluralists, except Mr. Laski, although the essence of political pluralism is the rejection of a general will or anything that would serve the same purpose. But that is because the general will is (at least at this point) treated by Mr. Hsiao as the reconciliation of coercion and freedom through an *a priori* principle of legislation (the Kantian "right"). Even M. Duguit's "social solidarity" can be made to assume such a character. What help does this "general will" offer in determining the area and limits and intensity of solidarity of the *actual* political communities in which law is being made? The universal categorical imperative is

important, but it wants to be given more concrete channels of operation before it is used to justify actual laws.

The political value of pluralism lies, Mr. Hsiao finds, in its attempt at a solution of the problem of the relation between economics and politics: The classic Aristotelian doctrine of political monism had been to treat economics as existing only for politics. Locke, on the other hand began the subordination of politics to economics (rights of property and control by propertied men) through the "insurance-company conception" of the state. In socialism and communism this subordination is completed by an economic monism. Pluralism, in doctrines like those of the Webbs and of the Guild Socialists, is a reconciliation of functional economic society with the political state. Doubts as to the possibility of this reconciliation without reestablishing political monism (p. 125) lead him back to Hegel as the great reconciler who had found a theory of the state which included unity in diversity, both pluralistic and monistic. The pluralists have at least forced a reconsideration of the problem of representation in this direction.

It is possible, of course, to differ on many controversial points with Mr. Hsiao's interpretation of pluralism. The present reviewer would take a quite different view of the connections between pluralism and pragmatism, and a more restricted view of the scope of genuinely pluralist doctrines. Certainly, on any definition, the works of Mr. John Dewey and of Mr. Walter Lippmann deserve at least a mention.

But it would be quite unfair to Mr. Hsiao to overemphasize the limits of his bibliography, the lack of an index, and some unimportant errors in the notes, or to dwell on the modern political experiments in functional representation and advisory economic parliaments which might fittingly have found a place in his appendices instead of or supplementary to the single page devoted to older modes of "Class Representation in the European Constitutions." The fact remains that he has remarkably overcome the difficulties of language and has written a critique of political pluralism filled with insight and marked by a broad grasp of the philosophic and juristic problems involved. He has digested and amplified the previous criticisms of F. W. Coker, Miss E. D. Ellis, Norman Wilde, J. H. Sabine and others, and has added the unity of his own Hegelian perspective.

W. Y. ELLIOTT

HARVARD UNIVERSITY

The Rise of the German Republic. By H. G. DANIELS.
New York, Charles Scribner's Sons, 1928.—vii, 292 pp. \$4.00.

The increasing interest taken by the American public in the vicissitudes of republican Germany is amply shown by the publication in this year alone of at least five volumes on that subject. Among them this present work by Mr. Daniels, correspondent of the *London Times* in Berlin for the past eight years, takes rank as the most complete account of the German revolution and the establishment and evolution of the republic.

The author has based his study partly, of course, upon first-hand information and partly upon the numerous memoirs which have been published by active participants in the events recorded. As he remarks in the preface, he has used these biased accounts critically and has interpreted them in the light of his own knowledge. Not that he has been hostile to the Germans; rather, he has on the whole shown sympathy for them and understanding of their problems, an understanding which deepened as he progressed with his writing. Furthermore, his study is detailed and is singularly free from those valueless generalizations in which a journalist is usually prone to indulge.

Mr. Daniels focuses his discussion, even of international affairs, upon the internal political development of the republic. Where he handles economic matters, such as the inflation of currency and the reparations, he does so mainly from a political angle; social, intellectual, and religious changes he disregards almost entirely. Thus since some of the main forces in the growth of the new Germany manifested themselves in these fields, the author's picture of the history of the republic is colored too black.

The book begins with a discussion of the origins of the revolution, wherein the split in the Social Democratic Party over the question of the war played a prominent part, as it led to the repudiation of the government and the state by the Independent Socialists and the Spartacists. The author shows how the disintegration of the existing governmental forces, under the dominance of unpolitical military leaders, brought the state to a point of collapse. He thinks that the real revolution was achieved when the emperor granted parliamentary government, and that the later armed one was almost accidental. He is more concerned with recording the concatenation of events leading to the revolution than he is with explaining why those events occurred. Hence he gives disproportionate space to the deeds of the few Independent Socialists and Spartacists, and neglects the part

played by the great mass of the moderate middle class whose demands for political reforms helped to make the revolution possible. In fact, throughout the book he emphasizes the colorful and dramatic extremists of both Left and Right more than he does the more important moderate elements which served as stabilizers during those critical times.

Mr. Daniels next describes the revolution in detail. He is interested in showing how an unpolitical, unrevolutionary people, desirous at most of parliamentary government under a limited monarchy, overthrew a crown and set up a republic which few of them wanted, at first not even the Social Democrats. It is again a question of whether in portraying at such length the attempt of the ill-led radicals to establish soviets late in 1918 and in 1919 the author is not guilty of having tried to magnify what most Germans aptly called a *Schweinerei* into something over-important for the sake of the story. Certainly, as Mr. Daniels makes evident, the vast mass of the nation was entirely opposed to internal turmoil, and the revolutionary changes, although directed by the Marxian Majority Socialists, were meager ones. A few half-hearted attempts at socialization were made; the bureaucracy was accepted; the old military elements were in some measure mollified; the political parties remained practically the same. Only the type of government was transformed.

In 1919 two highly important events conditioning the future of Germany occurred: the drafting of a constitution and the acceptance of the Treaty of Versailles. Mr. Daniels' discussion of the former is rather slight. He praises the work of the Weimar Assembly, but he finds the constitution less centralizing in effect than is usually thought. As to the peace treaty, in contrast to his countryman, Mr. Keynes, he cannot understand the bitter wrath of the German people over the terms, apparently arguing, in spite of Wilson's Fourteen Points, that "to the victor belongs the spoils". Then, after the republic, "the despairing gesture of a beaten people", was established and the treaty was forced down Germany's throat, resistance arose against both, which the author is inclined to call reaction. All parties, except the Independent Socialists, however, opposed the peace treaty, mainly, as the author points out toward the end of the book, because of the two-fold fact that German national honor was besmirched therein and that the Allies were trying to dictate impossible terms to a nation at a vehemently nationalistic time.

In his treatment of the domestic politics of the republic Mr. Daniels describes the jarring mixture of republicanism, monarchism,

and communism, of radicalism and conservatism of all shades in the new Germany and the conflicts which ensued in the endeavor to strike the proper balance. The chief trouble lay, of course, in adjusting the old social, economic, and intellectual forces to the republican government and society, and Mr. Daniels explains in detail the history of that process. There were the various seditious movements—the Kapp rebellion, the Fascist movement, the plots in Bavaria, the organized assassinations—all intent upon overthrowing the government but otherwise of varied objective. The attempts soon collapsed; they were led by self-deluded incompetents; and in some cases the actions of the leaders smacked of the comic opera. These men wished to avoid civil war and to accomplish a change in government partly by force and partly by negotiation with the existing authorities. Then when the ventures failed, the government was willing to make concessions in order to obviate occasion for further trouble. Thus gradually the reconciliation took place. Early in 1925 the Nationalists entered the government, and General Hindenburg was elected president without any endangerment of the republic. In fact, it is a question whether the republic was in danger as often as the author believes.

The author regards the last part of 1923 as the crucial time for the republic, when rebellion in Bavaria, a separatist movement in the Rhineland, communist troubles in Saxony, inflation, and the failure of passive resistance to the Ruhr invasion all struck the republic at once. But again the government, strengthened by the acceptance and participation of Stresemann and his party, was able to adjust the internal difficulties and to begin the settlement of the questions of reparations and of security by making the London Agreement and approving the Dawes Plan. "The London Agreement was the first real Peace Treaty", writes Mr. Daniels. "It led to the first step toward consolidating a united Germany under the Republican system". And so the author views the prospects of Germany's domestic and international affairs with hope. Although he regards a Fascist march on Berlin as "remote but not impossible", he sees no great likelihood of a change in government in the near future. He states that the militant nationalistic spirit survives in Germany, and he believes that without the Peace of Versailles Europe would now be in the midst of another war. But so long as that treaty obtains and the French remain vigilant, he thinks that that spirit will be held in check. He admits, however, that the peace treaty will have to be revised.

The book has defects, perhaps the results of too hasty composition. One would like to know which workmen followed the Spart-

acists and the Independent Socialists, and whether all the industrialists in the Ruhr and the Rhineland played with separatism (which is improbable in view of the actions of the prominent Ruhr industrialists in defying the French). The relation between the invasion of the Ruhr and the inflation needs clarifying. The author's animus against Dr. Helfferich seems too strong. His accusation of incompetence against the political leaders is not altogether fair since they were just learning the ways of popular government. War was not declared on the British Empire on August 3. Prince Max and not the militarists wanted hostilities continued in October and November, 1918, in order to enable Germany to negotiate peace on more equal terms. The part played by the political parties in overthrowing Bethmann-Hollweg needs more emphasis. But in spite of these defects, the book is graphic and interesting, and forms a valuable introduction to the study of the German republic.

EUGENE N. ANDERSON

UNIVERSITY OF CHICAGO

Justice and Administrative Law: A Study of the British Constitution. By WILLIAM A. ROBSON. London, Macmillan and Company, 1928.—xviii, 346 pp. \$5.00.

Dicey's classic theory that the English constitution is characterized by "the rule of law" appears to have gone the way of Montesquieu's still more famous doctrine of the separation of the powers of government. Neither, as formulated by its distinguished author, was ever fully warranted by facts, and both have given rise to serious misconception. One of the meanings that Dicey attached to "the rule of law" was that "no man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary Courts of the land". In the Introduction which he prepared for the last edition of his treatise on *The Law of the Constitution*, published in 1915, he admitted that recent legislation had conferred judicial, or "quasi-judicial", authority upon administrative officials, but insisted that "the rule of law", as he had defined it in the first edition, published thirty years before, was still a distinctive principle of English constitutional law. This opinion, it would seem, must be consigned to the realm of what Bagehot called the "literary theory" of the constitution.

The learned author of the volume in hand shows that a striking

development in recent English constitutional law, though it has not received much attention, has been "the appearance of a whole series of official tribunals, more or less closely connected with the administrative departments of government, possessing power to decide questions of a kind which would 'normally' have come within the jurisdiction of the formal courts of law". Though a barrister, Mr. Robson has no prejudice against these official tribunals, nor does he view the justice which they administer, "administrative justice" he calls it, as "a temporary and accidental intrusion into the meliorated sanctity of the British Constitution". On the contrary, he looks upon it as a concomitant of the expanding sphere of governmental activity and as likely to assume increasing importance. The principal sources of administrative law are to be found in social legislation enacted by Parliament during the last fifty years or so—acts relating to public health, housing, health and unemployment insurance, education, old-age pensions, etc. The author's purpose is "to examine in detail the nature and scope of the judicial functions exercised by government departments and other public and private bodies; to analyse the causes which have led to such power being conferred on informal tribunals of this kind; and to evaluate the advantages and disadvantages which result therefrom".

After showing that the exercise of administrative and judicial powers by the same public officers is no novelty and comparing the characteristics of judicial and administrative functions, Mr. Robson gives an account of the more important administrative tribunals now existing in Great Britain. They vary greatly in structure, but they all "either form part of or are connected with the central government . . . or they are constituted through the action of a public administrative agency". If the essence of the judicial function is, as the author suggests, the power to determine a controversy and make a binding decision affecting the parties thereto, it seems impossible to deny that these tribunals exercise powers that are genuinely judicial.

In a concluding chapter, entitled "Trial by Whitehall", the author considers the advantages and the disadvantages of administrative justice. While he sees no reason to fear that administrative tribunals will be subject to political influence or interference, he finds a good deal in their procedure to criticize. He believes, however, that their defects can be remedied, and he makes a number of constructive proposals to this end.

Capital and Finance in the Age of the Renaissance: A Study of the Fuggers and their Connections. By RICHARD EHRENBERG. Translated from the German by H. M. LUCAS. New York, Harcourt Brace and Company, 1928.—390 pp. \$4.50.

This is not a new book but a translation of Dr. Richard Ehrenberg's *Das Zeitalter der Fugger*, a solid work, full of information, originally published in Germany in 1896. Those sections of the original which dealt with "The Genoese (not "Geonese", as the Translator's Note quaintly spells it), Spaniards and Netherlands", with "The Importance of the Financiers of the Sixteenth Century", and with "The Time of the International Financial Crises", have been omitted in the translation. It is difficult to understand why, unless in order to reduce arbitrarily the length of the volume and cost of publication. Even in this mutilated form, the volume constitutes a welcome addition to works on economic history available in the English language. It is also difficult to understand why the title has been changed in the translation except for purposes of disguise, since the page-head employed throughout is "The Age of the Fugger," an exact translation of the original German title.

The execution of the translation appears to be faulty at certain points. At least some sentences do not make sense as they stand. Thus on page 33 we read: "The fact that all burghers were liable for the debts of their cities, while this was certainly not the case without more in regard to the subjects of princes was decisive for the chief basis of any credit, the ability to pay." And again on the same page, "This power, as we saw, had various degrees, but never went so far that the subjects were liable without more to meet the prince's debts." At page 51 Pope John XXIII is twice referred to as John XXII. Such petty imperfections are rather too characteristic of the volume.

The volume before us consists of a very interesting introductory chapter on "Money Capital and Public Credit towards the End of the Middle Ages"; three further chapters of the first book on the Fugger, other German financiers, and the Florentines and other Tuscan financiers; a second book on the international bourses of the sixteenth century, with chapters on Antwerp, Lyons and "Capital Transactions on the International Markets of the Sixteenth Century". The work ends with a brief conclusion covering from the age of the Fugger to the present.

Despite the fact that the author repeats the trite generalization, "At the Renaissance European culture turned from unattainable ideals to Nature and reality" (see pages 22 and 58), he recognizes that "genuine mercantilism . . . was chiefly the result of the experience in economic matters collected throughout many centuries by the medieval cities," and that the sound finances of these medieval cities were vastly superior to the extortionate taxation and ruinous financial expedients of the princes of rising modern states. "Incurable financial disorganization, corruption of the whole of public life, dependence of the Government on the financiers, exhaustion of the people—these ills, which proved the ruin of many states, sprang immediately from the farming out and splitting up of the finances of the princes."

The fairly numerous footnotes, with their citations of many publications in foreign languages, are a valuable feature of the work. It further has an index of some ten pages in double columns.

LYNN THORNDIKE

Heading for the Abyss: Reminiscences. By PRINCE LICHNOWSKY. New York, Payson and Clarke, Ltd., 1928.—xxvi, 471 pp. \$7.50.

Perhaps no incident of the Great War caused a greater sensation than the publication, in March 1918, of a little pamphlet entitled *My Mission to London* by Prince Lichnowsky, who had been German ambassador to the Court of St. James's from November 1912 to the outbreak of war. The Prince, who had been severely criticized in Germany for his failure to keep Great Britain neutral, wrote the pamphlet in 1916 primarily for the benefit of his family, but he showed it to some friends and, by a breach of confidence, it was published in Switzerland. Since he laid the responsibility for the war primarily on his own government for its reckless support of Austria-Hungary and its refusal to coöperate with Sir Edward Grey for the maintenance of peace, it was an invaluable instrument in the hands of Allied propaganda and was bitterly denounced by the author's countrymen as an act of treachery, for which, in consequence, he was expelled from the Prussian House of Lords. Even after the war Prince Lichnowsky was the object of scathing criticism in Germany. With the object of justifying himself, he published the present volume shortly before his death in February 1928.

In addition to the famous pamphlet the book contains two documents of considerable importance—a memorandum on “England before the War” dictated on August 19, 1914, and an essay dealing with “Delusions” written in January 1915. In addition, there are some fugitive pieces on various topics, a few letters, and an introduction in which the prince explains his position and defends his views; finally, as proof, he prints a large number of the dispatches and telegrams sent by him from London. The translator appends a short note on the controversies which the book has aroused in Germany.

“I have never on any occasion”, says Prince Lichnowsky, “maintained that our so-called statesmen in July 1914 wanted the world war, so far as they had any clear idea of what they actually did want. . . . In my Memorandum . . . I have reproached our ‘statesmen’ of that time not with their will for war but with their hasty decisions, their infatuation and their incompetence” (p. xxi). The reproach is abundantly justified. The prince, however goes even farther. He condemns the whole policy which rested on the Austrian alliance, on the ground that Austria-Hungary had become an anomaly and was doomed to perish, and regrets that the Emperor William I did not refuse to sanction the alliance, even at the cost of Bismarck’s resignation; he would have preferred an agreement with Russia which would have spared Germany the necessity of fighting a war on two fronts. Holding such views, he was, from the moment he became ambassador in London, critical of Austrian policy and resentful of the support which it received from Berlin, with the result that he was disliked by the German foreign office and sometimes reprimanded. In Berlin he was regarded as gullible because he accepted the assurances of Sir Edward Grey that England had no commitments to France, and so great was the distrust of the ambassador that when the German secret service secured copies of the letters exchanged between Grey and Cambon in November 1912, these documents were not communicated to Prince Lichnowsky, a neglect of which he bitterly complains. Nevertheless, although he believed British policy to be pacific and desirous of an accommodation with Germany, Lichnowsky always asserted that if war came, Great Britain, even without commitments, would be forced to side with France; which was not believed in the highest German circles. Lichnowsky, for his part, came to regard the attitude of his superiors as dictated by jealousy, particularly on the part of Herr von Stumm, the political director of the foreign office, who had hoped to be made ambassador

and who is accused (without proof, however) of trying to prevent the signature of the colonial agreement between Germany and England. Why, it may be asked, was he not replaced by a man enjoying the confidence of the German government? Presumably because he had achieved such success in England that to recall him would have been regarded as a slap at the British government. One may also wonder why, with his anti-Austrian views, he was ever appointed to London. The prince himself professes not to know (p. 1), apparently out of loyalty to William II, whom he never criticizes. But the facts are known. In 1912, about the time that the London embassy fell vacant through the death of Marschall, Lichnowsky wrote an article defending the German naval policy, and this commended him to both the emperor and Bethmann-Hollweg, who were later unwilling to admit that their nominee was not suitable.

There has been much controversy in Germany because Prince Lichnowsky revised both the document of August 1914 and the memorandum of 1916 before publishing them, as became known when Dr. Thimme, the editor of *Die Grosse Politik der Europäischen Kabinette*, published the original versions in the *Archiv für Politik und Geschichte* (Heft I of 1928), and pointed out that the Prince had also omitted many documents which might throw doubt on the consistency with which he had reported that England would in any case be drawn into the war. Students will certainly do well to consult the original versions; the curious thing about the irritation in Germany is that the edited versions are softer than the original, because Lichnowsky had in the meantime convinced himself that some of his assertions were incorrect! The translator has restored in part the original text of the August document and given the version of the 1916 memorandum published in 1918.

Much more serious is Lichnowsky's suppression of those telegrams relating to the last days of the crisis of July 1914 in which he expressed hope for the neutrality of England and which were obviously inconsistent with his contention that he had always foreseen and predicted the intervention of England. Presumably he sent such telegrams because he was aware of the dissensions within the British cabinet and was counting on the uncertainty of British public opinion; but he was not warranted in his book in concealing the existence of these reports. He also did not print a telegram in which he expressed his doubts about the feasibility of a conference as proposed by Grey, although he elsewhere represents such a conference as the only means of preserving peace.

His book will, therefore, have to be used with great caution; fortunately the documents which he publishes are available in other books in complete form. But if his methods of propaganda leave much to be desired, it is highly probable that Prince Lichnowsky had a much clearer view of the international situation than the people in Berlin, nor can it be doubted that he worked sincerely for peace. His bitterness, while it has led him to questionable practices in his writing, is at least intelligible.

BERNADOTTE E. SCHMITT

THE UNIVERSITY OF CHICAGO

Graf Benckendorff's Schriftwechsel. Edited by B. VON SIEBERT. Berlin and Leipzig, Walter de Gruyter and Company, 1928. Three volumes.—xv, 416; xvi, 564; xii, 335 pp. 30 marks.

The imposing volumes which have just appeared in Germany under the above title constitute a new edition of the *Diplomatische Aktenstücke zur Geschichte der Ententepolitik der Vorkriegsjahre* (Berlin, 1921), a collection also edited by von Siebert, which supplied the historian with the first considerable body of material from allied archives and gave rise to much discussion. Few collections of documents were ever more poorly arranged and more difficult to use, though it might be said that the English edition was even more unsatisfactory than the German. A new edition was desirable to say the least.

We are told in the Preface that the editor, who died two years ago, had long been at work revising, rearranging and amplifying his material, which is now offered to the public in this new form. Many changes have indeed been made. In the first place the individual documents have been carefully gone over and the reader will find the translation recast in many places. Besides, many sections of documents, omitted in the original edition, have been replaced. All the documents have been arranged in chronological order, which greatly facilitates their use. Finally, a great many documents have been omitted, these being primarily parts of the correspondence between Paris and St. Petersburg which is now available in Stieve's excellent edition of the Izvolski papers. The reviewer finds only two documents of the first edition, which are not in the Izvolski correspondence, omitted from this new collection. These are the reports of Sazonov to the Tsar regarding his visit to Balmoral in September 1912 and regarding Poincaré's visit to St. Petersburg in August 1912 (original edition pp. 200, 546, 792).

The most important point about this new edition is, however, the addition of new documents. There is no indication whatsoever as to what has been omitted or what has been added, but the reviewer has gone to the trouble of comparing the two editions throughout and has counted three hundred and fifty-six new documents in a total of ten hundred and seventy. It must be confessed that a great many of these additional papers are not of great importance. They were probably omitted from the earlier edition for this reason. The subjects dealt with are primarily the Bagdad Railway, the Persian situation, the question of Chinese loans and kindred problems which were already handled with considerable detail in the earlier edition. Among other topics might be mentioned the Serbian-Bulgarian relations in 1909-1910 (no. 93: a Serbian memorandum on the subject; no. 111: report of a conversation with Milovanovic; no. 123: report of a conversation with Ferdinand of Bulgaria), the strengthening of the Turkish fleet (no. 237: a very detailed report on the question) and the Moroccan crisis of 1911 (no. 453: a long report of Benckendorff concerning conversations with Cambon, Grey and Nicolson). There is also an interesting document (no. 259) reflecting the Russian attachment to Hardinge and Nicolson. But far and away the most important addition is the large collection of reports from London at the time of the Conference on Balkan affairs in 1912-1913. There are no less than one hundred and eighty-six new documents on this subject alone, the evidence indicating that the collection is complete. It is a day-by-day record of the work of the conference, and even though the course of the negotiations is well known from the French *Affaires Balkaniques* and the German documents, it is hardly necessary to stress the importance of these papers. Roughly they cover numbers 763 to 960. The collection closes with a few new documents bearing on the crisis of July 1914. Numbers 1069 and 1070 report Grey's suggestion (July 21) that Russia enter into direct pourparlers with Austria in case the crisis became acute. It will be remembered that this was the suggestion which Poincaré vetoed during his visit to St. Petersburg.

The reports of the London Conference alone would make this new edition of the Benckendorff correspondence of great value and the historian will be grateful to the publishers for seeing it through the press even after the death of the editor. But it is to be greatly regretted that no indication of omissions and additions is made, especially where reference to the original edition is so difficult.

Le contrôle juridictionnel de la constitutionnalité des lois.

By ANDRÉ BLONDEL. Paris, Recueil Sirey, 1928.—xiv, 383 pp.
35 francs.

Even if a book is what the French call a "solid" work, it may none the less, especially if it be French, have a simple thesis. Such a work is Dr. André Blondel's comparative study of judicial review in the United States and France. It is a book of considerable proportions, the result of manifest industriousness and evident erudition, and, for the student of government, of exceeding interest. Its simple thesis is that judicial review should be adopted in France, just as it has for some time been successfully practised in the United States, and that the existence of a rigid constitution in France demands such a practice out of sheer juristic consistency. This frank attitude of advocacy is announced at the beginning; and thus, with sides taken, with a consciously assumed legalistic point of view, and with a steadiness of aim which has rightly or wrongly given the French a reputation for inflexible logic, the thesis is supported by the various parts of the contents.

Of these contents, the first part, approximately one-third of the whole, deals with American practice, the remainder being concerned with the problem as it exists in France. The history and foundations of judicial review in the United States are set out, and contemporary practice is on the whole accurately described. Surveying all this, the author, given his thesis, can but pronounce it good, generously if somewhat optimistically viewing as a passing phase now happily ended certain well-known abuses practised by American courts. With attention turned more directly to France, a long history of the various French constitutions is given in order to show that those which were rigid were from the nature of the case incomplete in the absence of judicial review. This naturally leads to a consideration of the obstacles to adoption in France, certain legalistic and theoretical objections being conjoined in the examination with the historical. These obstacles are of course shown to be founded on error, and they are argued to be not only mistaken but, when better understood, reasons for accepting judicial review. A final chapter considers the best practical organization for the effective employment of judicial review in France.

Mistakes are apparently inevitable on the part of any author who writes of foreign countries. In the present case, certain errors are to be attributed to the partisan bias of the writer. For example,

evidence elsewhere in the book shows that the author knows better when he several times states wrongly the relationship between common and statute law and when he says that the American federal constitution is amended by popular vote. Other errors are simple mistakes of facts, such as the statements that all the original state constitutions in the United States were adopted in conventions specially called for the purpose and that Magna Carta was first signed by Henry III. Typographical errors in the French text of French books are not so infrequent as to cause surprise when such mistakes occur in connection with English words. An American wonders whether, when he employs French words, any of the locutions present the startling appearance of one—which should delight certain labor thinkers—like “open shop”.

Partisan bias is also responsible for a considerable amount of logical inconsistency. Of such, space permits only passing mention. Throughout the historical sections the author argues that judicial review is less imperative in the case of the enactment of a bicameral legislature than in the case of a single assembly; and yet in respect of the Third Republic, he advocates the non-application of statutes passed by a bicameral Parliament if they are inconsistent with the enactments of a unicameral National Assembly of the same individual composition. Finally, adoption of American practice is recognized to involve fundamental change in French public opinion, which would have to entrust the courts with this function and vigilantly keep them worthy of the trust. Surely a change in opinion no greater would be required so to improve the French parliamentary system as to render Parliament worthy of this trust and thus to attenuate the antiparliamentary movement of which the present fashion of advocating judicial review appears a manifestation on the conservative side.

R. K. GOOCH

UNIVERSITY OF VIRGINIA

W. E. Gladstone. By OSBERT BURDETT. Boston and New York, Houghton Mifflin Company, 1928.—viii, 307 pp. \$4.00.

The author disarms his critics to some extent by the frank admission that he has attempted only “a partial portrait of Gladstone.” He does not pretend to have unearthed new facts or to have made a thorough study of the whole or even a section of Gladstone’s life and work. Morley has been used as a quarry, supplemented in a few particulars from other books. Little of the printed and nothing of

the mass of manuscript source material has been examined. Mr. Burdett's object has been to fix attention "upon the more revealing moments of action, word and growth in Gladstone's life," to present "a partial portrait of character."

The selection of the "revealing moments" follows conventional lines. We have here the well-known story of youth, education, early parliamentary career and experience in office, change of views, Gladstone as leader of the Liberal party, his policy while in power, etc. Space naturally precludes a lengthy treatment of the various topics; although the last one dealt with, namely, Gladstone's fight for Irish Home Rule, has been discussed quite fully. Mr. Burdett generally sympathizes with what Gladstone did, and his approval is especially marked in the case of "the last crusade." It is evident that Mr. Burdett feels strongly on this subject; and he has described with skill and insight the Irish situation in the eighties, Gladstone's tactics, 1885-1893, and the peculiar perplexities created by the O'Shea-Parnell divorce case at a time when the rank and file of the Liberal party had been trained by their leader to apply exacting standards to men in public life.

In treating Gladstone, the man and the statesman, Mr. Burdett's study shows none of the adulation which characterizes, and in part mars, recent biographies of Disraeli. Tribute is paid to Gladstone's charity, humility, simplicity, financial and oratorical ability, devotion to duty, desire to right wrongs, and untiring industry; but intellect, originality, and intuition are denied him. It is frequently asserted that Gladstone neither had ideas nor could recognize an idea that came his way. His success is attributed to a great capacity for work, the gift of public speaking, a keenness in scenting popular issues, and a faculty for mastering and appreciating facts.

In his effort to prove his thesis Mr. Burdett makes many shrewd observations; but frequently his assertions are too sweeping—the facts do not always support his postulates. Readers of this book are apt to inquire why Gladstone, who, we are told, lacked ideas and intellect, could appear in such different light to contemporaries whose insight and sound judgment cannot be impugned. They will ask how he, without intuition, could, as Mr. Burdett admits, be in advance of his age in advocating many reforms; and if he were always dependent on the populace for his ideas, why he could inaugurate measures of which they had not dreamt, or adopt a method of settling the Alabama dispute of which they did not approve, or take up Home Rule for Ireland to which they had to be educated.

Mr. Burdett gives due prominence to the racial inheritance and to the evangelicalism of his mother as factors in molding the character of the future statesman. But he fails to grasp that much in Gladstone's conservatism had been imposed by Eton and Oxford upon the young Scotsman, the son of one of Liverpool's canniest and most hard-headed business men who had trained his offspring never to take anything for granted. The shedding of Toryism was natural for a man of Gladstone's character and antecedents. It is, indeed, to be regretted that Mr. Burdett has not on any question studied the working of Gladstone's mind at close range. A perusal of Gladstone's memoranda on the tariff and the Corn Laws, found among the Peel Papers, would doubtless have proved more beneficial to the author and to his readers than any number of the Corn Law rhymes quoted on pp. 60-64. A careful examination of Gladstone's views on religious equality and foreign and colonial policy would have been equally revealing.

The book contains some fine passages and makes pleasant reading. But it lacks the light incidents, the human touches. We get no glimpse of "the happy-go-lucky ways of the family" at Hawarden. To interpret a many-sided and perplexing personality such as Gladstone's must always prove a formidable undertaking, and the task becomes doubly difficult when the interpreter has failed to establish direct contacts.

PAUL KNAPLUND

UNIVERSITY OF WISCONSIN

Innere Anleihen Sowjet Russlands. By R. KUCZYNSKI. Berlin-Schlachtensee, Verlag der Finanzpolitischen Korrespondenz, 1928.—124 pp. 3 marks.

Economists should be grateful to Dr. Kuczynski for bringing out this compact summary of the facts with regard to the flotation of internal loans by Soviet Russia. The monograph is modestly presented for just what it is, and nothing more: there is no elaborate attempt to set the problem into its general background of Soviet public finance; nor to discuss in detail—though the salient facts are of course presented—those problems of definite interest to monetary theory which are connected with certain of the loans, such as, for example, the "grain loans" of 1922 and 1923, and the "sugar loan" of 1923, with their provisions for the equivalence of one pood of rye to a definite number of roubles. Nor is there any

attempt to supplement the description of the methods by which the funds were raised, by a detailed account of the way in which the proceeds were distributed among competing units within the Soviet structure. Dr. Kuczynski is content to let his valuable summary serve as a guidepost for those who will pursue in greater detail some of the problems he was able only to indicate briefly in passing.

There is yet another range of problems to which Dr. Kuczynski's bare recital of facts has so direct and immediate a reference that it will not escape any of the readers of the monograph, despite the fact that Dr. Kuczynski is extremely careful to avoid discussing the matter directly. What is involved, of course, is an additional instance of conflict between certain forms of socialist theory and present Soviet practice. An attack upon the justification of interest as a "share" in distribution has always been a chief weapon in the socialist arsenal; the floating of loans within Russia implies the giving and taking of interest, in its most "explicit" form. Under the circumstances, one can hardly be blamed for pushing curiosity just a bit further, and inquiring *how much* in the way of interest-payments to their own citizens the Soviets, whom one would expect to find determined to discourage the exaction of any but the smallest charges, have actually found themselves forced to pay. In this connection, Dr. Kuczynski's bare account provides us with all that anyone could wish to know, and more than some will care to recall.

The facts are that the Soviet government has not only at virtually no time been able to float loans without interest, but has in fact paid to its citizens rates of interest which under any other circumstances would be characterized as cruelly usurious. The so-called non-interest-bearing loans either bore a disguised interest return in the form of substantial discounts from par, the loan having only a few months to run—as in the case of the commodity-loans of 1922 and 1923; or, as in the case of the railroad certificates of 1923, were in effect merely a disguised form of stable currency, prior to the formal inauguration of a program of monetary reform; or, finally, as in the case of the so-called non-interest-bearing loan of 1926, represented in fact nothing more than a public lottery with unusually high premiums, the cost to the state being estimated at not less than 14 per cent annually. The last figure is by no means abnormally high: the so-called 5 per cent loan of 1925, for example, was sold at a discount of 18 per cent from par, with one year to run; loans bearing a nominal rate of 6 per cent, as in the case of the third "peasants' loan", of 1927, are in fact, as a result of the addition

of lottery features, found to have represented an average annual interest cost to the Soviet government of 17 per cent—and so on. If we except the 8 per cent loans of 1924, 1926 and 1927, since these loans were, as a matter of fact, devised primarily for the special purpose of providing a liquid investment for the reserve-funds of state-controlled enterprises—an investment, Dr. Kuczynski hints, which these enterprises were apparently reluctant to make, at so “low” a rate of interest—it would appear that the lowest rate at which the Soviet government has been able to borrow for longer periods from its own subjects is represented by the 9 per cent which it was able to obtain on the railroad loan of 1927, while the average rate of interest which it paid in the preceding five years was certainly very much higher. It is on such terms that a “socialist state” borrows from its citizens!

There is another consequence of the facts adduced by Dr. Kuczynski, which is worth considering. We have been told that the capitalistic system is forced to appeal only to the basest and most sordid aspects of human nature; that in the true “socialist state”, altruistic motives will be appealed to, and will be found to be more efficient spurs to action than were the old ones. Those who are interested to know what motives are appealed to when the “socialist state” of Russia needs money in a hurry, had better study Dr. Kuczynski’s brief account of the nature of the propaganda accompanying both the 6 per cent lottery loan of 1922 (p. 6) and the “peasants’” 12 per cent lottery loan of 1925 (p. 14). The reader will notice, incidentally, that the loan of 1922, which supplemented its appeal to the cupidity of the people by an appeal to their patriotism and revolutionary spirit, failed, and had to be converted into a forced loan, whereby the workers, along with others, were virtually compelled to assign a portion of their wages to the purchase of securities; whereas the loans of 1925, the official propaganda for which was able to point out a possible gain of 27.2 per cent annually to the subscribers, succeeded. Just what this proves, let those who are deeply concerned with “human nature” and its possibilities, tell us. Meanwhile there are some of us who are content to admire the scientific detachment of workers like Dr. Kuczynski, who can set down these bare facts in order, without a word of sententious comment to point the moral or adorn the tale.

ARTHUR W. MARGET

UNIVERSITY OF MINNESOTA

Reparationsagent und Deutsche Wirtschaftspolitik. By H. VON BECKERATH. Bonn, Kurt Schroeder Verlag, 1928.—107 pp.

Transfer. By ALBERT VON MÜHLENFELS. Jena, Gustav Fischer, 1926.—101 pp.

The Reparations Problem. By BERTIL OHLIN. Stockholm, Index, Svenska Handelsbanken, 1928.

Although few persons would deny that many of the difficulties of the reparations problem are the result of the application of legal thinking to an essentially economic difficulty, it seems also to be true that the reason for which it has been so comparatively simple to overlook the advice of economic experts, has been the extreme divergence of views which even a superficial study of that advice revealed.

The scientific literature concerned with the transfer of reparations and the reparations problem in general is full enough of flagrant contradictions to turn any student into a determined eclectic. There are few problems where the line between one's opinions and one's objective findings has been so difficult to draw, and there is on the whole no problem of which the literature is so fit to illustrate the widening gulf in present-day economics between those with primarily static views and those who are most vitally concerned with the impact of dynamic factors.

These three studies which have been chosen from the large and growing literature of the problem, are—each in its own way—somewhat exceptional in this respect, although only Mühlensfels' work shows a careful study of the previously published literature of the subject. His monograph is perhaps strongest in its discussion of the readjustment of German industry to which many students of the question look for an increase in the German exports.

The argument generally bases itself upon the theory that German industry in order to increase its markets will have to specialize more and more in those industries in which its special aptitudes are most highly developed, where—as J. A. Hobson has remarked—science, technique, established plant and business organization give Germany a relative superiority over other countries, and where therefore her industries would be able to overcome foreign competition and even protective legislation.

In these branches Germany would therefore have to acquire a much higher percentage of the world's exports than she had before

the war, but the great obstacle is, of course, that most of Germany's exports are in lines which are highly competitive and which are amongst the most closely guarded and protected industries of the other large industrial countries. Professor Graham's argument that the sum of 2,500,000,000 Reichsmarks when divided amongst the combined population of the allied countries of 240,000,000, only amounts to an average increase of per-capita consumption of two dollars and a half, and that such importations can consequently not bring about the general prostration of industries in the allied countries, is to say the least, quite nonchalant as to the importance of such a marginal increase in an already very sensitive market. The increase would not really be spread over the total of the world's exports but would take place in extremely specialized goods and in a market in which the demand is highly inelastic. Furthermore—as Mühlenfels points out—in order to pay reparation annuities of 2,500,000,000 marks a very much larger increase in exports will be required, as the raw materials must to a very great extent first be imported into Germany and consequently be paid for by German products, always of the highly competitive, finished industrial type. Professor Cassel has estimated that Germany, because of the peculiar character of her economic organization and its specialty (finished products), will be able to pay only about 10 per cent of her exports. With an annuity of 2,500,000,000 that would mean an export trade at 25,000,000,000 marks and an import trade at 22,500,000,000 marks to cover the food and raw materials. Although the figures seems quite fantastic, they at least illustrate the principle involved quite clearly.

Professor H. von Beckerath's monograph is of value for its discussion of the incidence of the reparations settlement upon social legislation and, generally speaking, labor conditions in Germany. He points out that there is a curious contrast between the political attitude of German labor, which is generally loyal to the Dawes Plan, and the economic interest of that same class of the population, which will more likely than not pay the final bills of the transaction in lower wages and poorer labor conditions. The study is well documented and carries a number of interesting appendices, including a letter to the Prussian Ministry of Labor by a number of representative German industries on the subject of working hours.

The substance of Professor Ohlin's study is an able refinement of the traditional theory of international exchange, which leads the author to an optimistic view of the future. There is an interesting

discussion of the influence of Germany's foreign borrowing concerning which the author comes to a conclusion which is at variance with that of the Agent General, who seems to be inclined to follow the views of Dr. Schacht of the Reichsbank somewhat too readily.

It seems clear, however, that foreign loans have up to now dominated the situation so completely that no difficulties of transfer could arise. The mechanism which the experts had set up has therefore not been able to produce the experience which they had anticipated after four years of preliminary operation, and we are really facing the future with little more knowledge as to that particular aspect of the problem than we possessed in 1924.

HARRY D. GIDEONSE

RUTGERS UNIVERSITY

BOOK NOTES

Latin America and the United States, by Graham H. Stuart (New York, The Century Company, 1928; ix, 465 pp. \$3.75) was published in 1922 and the title page of the present edition announces that the original volume has been "thoroughly revised". Considerable revision has indeed been done and the work has been brought down to date, but it is still unsatisfactory. The "supplementary reading" lists at the end of each chapter have been expanded by the addition of several recent publications, but the text does not reveal that the author has incorporated many ideas from the work of his colleagues. In his previous work Professor Stuart neglected to consult many important Latin-American authorities. In this second edition the defect has been remedied only partially. One looks in vain in his footnotes and reference lists for Latin-American sources. A few secondary works are mentioned in the lists, but there is little indication that the author has taken account of their ideas in his text. The author makes a plea for a better understanding of Latin America's point of view, but his revised edition does not present a good illustration of the conformity of precept and practice. Moreover, certain important topics have not received adequate treatment. The work contains nothing on the relations of the United States and Venezuela, nothing on Bolivia, little on Colombia and on the important subject of our huge investments in many parts of Latin America. And yet it must be admitted that Professor Stuart has presented the most extensive treatment of our Latin-American relations that has yet appeared. Such an admission is not flattering to Yankee historical scholarship, nor indicative of a rapid development in this country of a thorough understanding of this important subject. There is great need in the United States for a thorough discussion of the whole matter based upon an examination of the sources on both sides. Until this has been done our knowledge will be incomplete and one-sided and we shall be compelled to depend upon the work of Professor Stuart and the more penetrating, if less extensive, volume by Professor Latané. Perhaps it should, in justice, be added that Professor Stuart has faithfully examined the English language sources in the United States and has presented an impartial account of what these reveal. His conclusions are set forth, also,

in an attractive style and his book is equipped with four good maps and a fairly adequate index.—J. FRED RIPPY.

In a volume, some six hundred pages in length, entitled *The History of American Political Thought* (New York and London, The Century Company, 1928; ix, 633 pp. \$4.00) Professor Raymond G. Gettell essays to trace the evolution of American political ideas from decade to decade in our historical development. Beginning with the European background of American civilization, the volume traces the various currents and eddies in our political thinking through the colonial and revolutionary periods to that centering around the formation of the constitution. The winds and doctrine of the years of Federalist, Republican and Democratic supremacy next occupy the author. Inevitably slavery, Civil War, and Reconstruction thought follow. In the remainder of the book, dealing as it does with the political philosophy of modern times, considerable emphasis is placed on the development of our foreign policy, current theories of governmental organization and governmental function. Under this last caption the theories of individualism, governmental regulation, socialism, anarchism and syndicalism are given due attention. All in all, Professor Gettell has made a very satisfactory contribution to the secondary literature of the subject, and, although one might wish that he had allowed himself a great deal more space for the development of his material, he should nevertheless be congratulated upon his ability to epitomize epochs and personalities.—SCHUYLER C. WALLACE.

Through his *Éléments du droit international public universel européen et américain* (Paris, Librairie Arthur Rousseau, 1927; xv, 433 pp.), Professor Karl Strupp, in collaboration with Professor Joseph Blociszewski, has made available to a wider public his *Theorie und Praxis des Völkerrechts* which appeared in 1925. The substance of the book is the same but the new title is intended to bring out more clearly the theory and method of the author. He shares the well known views of Señor Alvarez (who contributes a preface to this French edition) that only a part of international law is universal and that the rest is merely continental. Despite this underlying hypothesis, with which the reviewer strenuously disagrees, the book is highly valuable both for its arrangement and for the views of its author. Departing from the traditional division of the Law of Peace and the Law of War, Professor Strupp divides his subject matter into "Public International Law", *Le Droit préventif de la guerre*, and the "Law of War". The second part covers the

various forms of pacific settlement of international disputes, including not only the usual topics of mediation, conciliation and arbitration, but also the organization of the Pan-American Union and the League of Nations. Some of the author's subdivisions are also highly suggestive, as chapter VI on "The Principal Kinds of International Treaties" (including what is commonly called in this country "International Organization") and chapter VII on "International Delicts and their Consequences". Professor Strupp sets forth his views clearly in definitions followed by explanatory comment. Where his own view is not generally accepted, the opposing theory is pointed to in the footnotes. This method, however, sometimes tends to overstress verbal distinctions at the expense of factual realities. Nevertheless the book does not neglect the factual side and is rich in illustrative material. On the selection of material one might suggest that the space devoted to the recent Peace Treaties is disproportionate in a general treatise the greater part of which will undoubtedly have permanent value. The utility of the volume is enhanced by excellent bibliographies and an index.—P. C. JESSUP.

The important part played by Wakefield in the development of the British Empire is well known to students of history, but it has never been appreciated by the public either in Great Britain or in those colonies which owe their existence so largely to him. In the hope that a short and readable biography of the great colonial reformer might lead to popular realization of the significance of his work and influence, and to the establishment of some suitable memorial, Dr. A. J. Harrop has written an interesting and reliable sketch of his life entitled *The Amazing Career of Edward Gibbon Wakefield* (London, George Allen & Unwin, Ltd., 1928; 253 pp.). The adjective in the title might cause the reader to expect a sensational story of a career in which the sensational was not lacking, but the folly that resulted in Wakefield's trial and imprisonment is not exploited for melodramatic purposes, though it could not be overlooked. Had it not been for his abduction of Ellen Turner and his consequent experiences at Newgate, it is highly improbable that he would have turned his thoughts to the subject of colonization, and if he had not done so New Zealand might never have become a part of the British Empire. Those who talk glibly of law in history would do well to reflect upon such momentous accidents. Access to private papers in the possession of relatives of Wakefield has enabled the author to add vividness to his narrative at several points. The subject that receives fullest treatment in these pages is Wakefield's re-

lation to the colonization of New Zealand; his connection with the founding of South Australia and with the Durham Report is dealt with more briefly. Some extracts are appended from his first important work, *A Letter from Sydney*, which was published in 1829 and has never been reprinted.—R. L. SCHUYLER.

Sir Hubert Llewellyn Smith's *The Board of Trade* (London and New York, G. P. Putnam's Sons, 1928; 288 pp. \$2.00) is one of the volumes in the "Whitehall Series" on the British departments of state, now in course of publication under the editorship of Sir James Marchant. As Permanent Secretary to the Board of Trade from 1907 to 1919 the author acquired intimate first-hand knowledge of its multifarious and important activities, which he describes in chapters on its relation to commerce, merchant shipping, railways, industry, industrial property and statistics. He shows how rapidly its functions have expanded in recent years and what arduous duties have been thrown upon it by acts of Parliament. His purely historical chapters are less satisfactory. The account given of the early committees and councils for trade and plantations, precursors of the present Board of Trade, shows little acquaintance with the modern historical literature on this subject.—R. L. SCHUYLER.

Six and a half years ago Harcourt, Brace and Company published a volume, edited by Harold Sterns, entitled *Civilization in the United States, An Enquiry by Thirty Americans*. A second volume in the series has inevitably followed. Although not as comprehensive within its scope as its predecessor, this later volume bearing the title—*Recent Gains in American Civilization*, edited by Kirby Page (New York, Harcourt Brace and Company, 1928; 357 pp. \$3.00)—includes within its compass analyses of the forward steps which have been taken since the conclusion of the World War in the fields of government, industry, international relations, the press, education, literature, art, science and religion. The observers who have been called to comment on the recent developments in these various fields are for the most part outstanding critics of American life in their respective spheres. Most prominent among these commentators are Charles A. Beard, Stuart Chase, Mary Van Kleeck, Norman Thomas, Oswald Garrison Villard, David Starr Jordan, Harry Emerson Fosdick, John Dewey and Harry F. Ward. Despite the eminence of the contributors, however, the student of the social sciences will find the volume only mildly interesting. Indeed, he may turn from its pages with the definite wish that analysts of the caliber here assembled might cease from tormenting their readers

with "skimmings" of this character and confine their activities to more fundamental attacks on the various realms of activity in which they are specialists. In these pages, however, the tired liberal may find both consolation and solace, and from the record of achievement herein set forth he may, perhaps, draw sufficient encouragement to renew his somewhat enfeebled attack upon the problems of the day, with the conviction that, although in all probability full success will never be his, nevertheless a measure of victory may be attained.—SCHUYLER C. WALLACE.

The 1927 lectures on the Harris Foundation were presented at the fourth summer institute since the beginning of the Foundation at the University of Chicago in 1924. The purpose of the Foundation is stated to be "the promotion of a better understanding on the part of American citizens of the other peoples of the world, thus establishing a basis for improved international relations and a more enlightened world order." This series now presented in book form entitled *Great Britain and the Dominions* (University of Chicago Press, 1928; x, 511 pp. \$3.00) deals respectively with the British Empire as a whole and with the various self-governing Dominions, thus excluding India, Egypt and the Crown colonies. While an informed and intimate treatment is assured by the selection as lecturers of representative men of the countries described, the aim of the Foundation—"To give accurate information, not to propagate opinion"—has been in general well observed. Nevertheless, the restriction imposed upon them has very properly not prevented the various contributors from furnishing intelligent discussion of the more pressing problems confronting the British Commonwealth of Nations as a whole as well as those of its constituent parts. The Canadian questions are treated with especial amplitude of informing detail. On the other hand, the lectures on the Irish Free State and New Zealand are somewhat sketchy in character, those on Australia show the hand of a lawyer, and the two on South Africa—"Economic and Political Problems of South Africa" and "South Africa and the British Empire"—involve a certain amount of repetition. Sir Cecil Hurst expresses a characteristically British point of view when he remarks (p. 19) that it was fortunate that earlier plans to define the respective limits of local and imperial powers failed, since they might have prevented the present constitutional development and recent progress in the conduct of their own affairs by the Dominions. Few assertions can be called in question. However, the statement commonly made (p. 3) that the British have

no written constitution is scarcely correct, rather one might say that it is not embodied in any single document; the navigation laws were not repealed in the twenties (p. 309); they were then modified, and repealed in 1849. The following sentence (p. 428) needs some interpretation: "Various measures have been taken, the most important being the Immigrants Act of 1913, whereby immigration of Asiatic males into the Union is prohibited, except in the case of the wives or young children of domiciled Indians." — ARTHUR LYON CROSS.

In the year 1324 Marsiglio of Padua completed his work which was called the *Defensor Pacis* (Defender of the Peace). Its purpose was to show that the popes by their extravagant claims to ecclesiastical and temporal superiority were a constant menace to the peace of Europe. On this theme as a basis he built his theories of the powers of the church and state and the relations between the two. He attacked the doctrine of the Petrine Supremacy, the temporal power of the popes and many other theories which had been used by ecclesiastics in support of Roman supremacy in matters spiritual and temporal. Though not primarily interested in shattering the prevailing ideas of monarchical powers, he did, in elaborating his general purposes, enunciate theories of government which we ordinarily think originated in the seventeenth and eighteenth centuries. Condemned by the popes and probably none too cordially welcomed by the civil authorities (except for its antipapal pronouncements) his work, though frequently used by scholars, never received the circulation which it certainly deserved. Down to the issuance of the present edition prepared by Mr. C. W. Previté-Orton and presented under the title of *The Defensor Pacis of Marsilius of Padua* (Cambridge, The University Press, 1928; xlvii, 517 pp.) it has not been available to American students at all except for the reprint of the Editio Princeps of 1522 in Goldast's *Monarchia S. Imperii* (1614), copies of which are to be found in the Columbia and Harvard College Libraries. It may be regarded as doubtful if even now there will be much reading of this truly remarkable work. A Latin text is suitable for scholars and students, but few will be the laymen who will undertake to read it. What is needed is translation not only into English, but into German, French and Italian. Our debt to Mr. Previté-Orton is immeasurable. No one unfamiliar with the difficulties incident to the publication of a basic text founded on the necessary collation of some twenty manuscripts in widely scattered libraries in Europe can appreciate the prodigious amount

of labor which this work has cost the editor. Whether the edition which Professor Scholz of Leipzig is preparing for the *Monumenta Germaniae Historica* will show any vitally different textual readings may be considered doubtful. Possibly Dr. Scholz may date some of the manuscripts differently and offer variants in reading, but it is unlikely that they will alter any of the fundamental meanings which Marsiglio had in mind. In an introduction of some forty-seven pages the editor treats of the participation of John of Jandun in the compilation of the work, gives an analysis of its structure and contents, and a critical survey of the manuscripts. Not the least of the services rendered by the editor are those portions of his introduction which are devoted to showing the essential unity of the work and to setting aside those theories of earlier nationalistic writers who would have it that Marsiglio got his ideas from the English and the French. Mr. Previt -Orton shows the close relationship of Marsiglio's ideas to the existing Italian republics and closes one portion of the preface with these words: "This main author seems to me to be Marsilius of Padua, bred in an Italian commune, hating the ecclesiastical powers which put it out of gear, and anxious to combine the sharply bounded and compact unitary State he loved with a kind of society of Christendom guided by its elected advisory General Council." The author appends some excellent indexes and includes some five plates to show the characteristics of the manuscripts.—JAMES SULLIVAN.

There always has been a number of statesmen and of "historians" in the United States who insist that traditionally American foreign policies "are, and of right ought to be," policies of isolation and detachment rather than of co peration with the other nations of the world. The members of this school of political thought, however, are living, at present at least, in a world of their own. If their standpoint was tenable one hundred and fifty years ago, the industrial revolution has made it impossible now. In May of 1916, President Wilson told Congress: "We are participants, whether we would or not, in the life of the world. The interests of all nations are our own also. We are partners with the rest. What affects mankind is inevitably our affair as well as the affair of Europe and of Asia." With this general idea as his thesis Professor James Wilford Garner delivered at New York University a series of talks which have now been issued in book form under the title of *American Foreign Policies* (New York, The New York University Press, 1928; viii, 264 pp. \$6.00) and which mark a real contribution to the

study of the place of America in world relations. Professor Garner begins his lectures with a discussion of the "Influencing Factors and Conditions," showing how our foreign policies have been influenced by tradition, demagoguery, chauvinism, emotionalism, the attitude of the foreign-born element, the organization of the treaty-making power, economic conditions, and the financial supremacy of the United States. Lecture two deals with the traditions, interpretation, and practice of isolation and non-intervention. A careful survey leads to the conclusion that "while the old tradition has usually been dragged out and made to do service on nearly every occasion when it was proposed that the United States should emerge from its isolation and play its part in the affairs of the world, it has so often been departed from in practice that it has lost much of its binding force." The lecture on "Imperialism and Dollar Diplomacy" criticizes the nice distinction between expansion and imperialism which Americans are wont to draw when comparing the territorial aggrandizement of the United States and that of European nations. There follows a consideration of the Monroe Doctrine which leads to the conclusion that the enunciation and enforcement of the original principle "has been a distinct contribution of the United States to the cause of peace and liberty in the western hemisphere." But, at the same time, "it is hard to avoid the feeling that this contribution belongs to the past, that the policy proclaimed by Monroe has served its day, and that some of the recent policies which masquerade under his honored name can hardly be defended as contributions to the cause of peace, good will, and mutual friendship among the peoples of America." The fifth lecture reviews America's contribution to the advancement of arbitration and the judicial settlement of international disputes. The inevitable conclusion of an impartial investigation is that our practice in furthering the principle of arbitration, and our willingness to submit differences to the decisions of tribunals, have fallen far behind our professions to that effect. And Professor Garner is particularly severe, although always fair, when he takes up our relations with the League of Nations. He is quite in sympathy with the views of Elihu Root, which, he asserts, represent the judgment of the rest of mankind (outside the United States), and which, he thinks, are certain to be the verdict of history. The concluding section points out the international responsibilities, duties, and opportunities which are ours by virtue of the tremendous power which we as a nation possess. But "the *possession* of power means little if, instead of being exercised, it is thrown away by a policy of iso-

lation and detachment, or dissipated and wasted through partisan political controversy." Taken as a whole, the volume is a severe indictment of our supposedly traditional policy of aloofness, and a warm recommendation to "Hear, O America, thy comrade nations calling!"—to "Lift thy great heart, and haste to join the Builders."—WALTER C. LANGSAM.

Mr. Sisley Huddleston's volume in the Modern World Series, entitled *France* (New York, Charles Scribner's Sons, 1927; xi, 613 pp. \$5.00) is a most remarkable work. The purpose of the series ostensibly is "to provide a balanced survey, with such historical illustrations as are necessary, of the tendencies and forces, political, economic, intellectual, which are moulding the lives of contemporary states." The authors of most of the other volumes in the group have tried to reach this aim by giving just enough of the pre-war history of each particular country to make intelligible the turn of post-war events therein. But not so Mr. Huddleston. He goes back to the days of the Roman occupation. His chapter on economic and financial development starts with a discussion of the four classes of inhabitants in ancient Gaul. The section on French overseas expansion begins with a sketch going back to the year 1365 when some "adventurers from Dieppe created numerous establishments on the coast of Senegal and Guinea." The Merovingians, the Capetians, Joan of Arc, Louis XI and a host of others all find room somewhere between the two covers. Were the book intended to be an encyclopædia or a Who's Who of France, such references would be quite in order. But the foreword states specifically that it was the author's other book, *France and the French*, which was meant to be "a sort of French encyclopædia." Writing in breezy style, the author indulges generously in loose generalizations. One might well be pardoned for doubting such observations as that the Frenchman in industry "is the most ingenious inventor"; or that "the people as distinct from some of their chiefs, are entirely cured of Militarism and Imperialism." Is it really "a mistake to suppose that the French have not produced the greatest colonizers from the earliest days of world navigation"? But of course "it is almost superfluous to state that France has been foremost in the development of recent inventions"!—WALTER C. LANGSAM.

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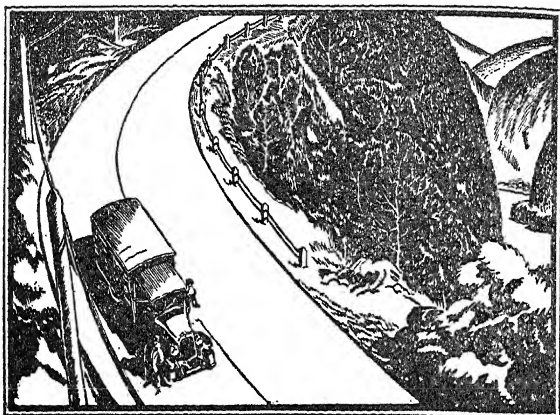
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POLITICAL SCIENCE

QUARTERLY

BRITISH PARTY ORGANIZATION¹

NEARLY thirty years have passed since Ostrogorski produced his penetrating and pioneer work on party organization. But as a well-known and experienced American writer has recently observed: "There is singularly little up-to-date and really informing literature on the general subject of party organization in Britain."² Surely this lack of attention to such a vital field of politics is not due to a paucity of developments, for in the last quarter of a century British party organization has seen almost as important and far-reaching changes as Ostrogorski described for the last quarter of the nineteenth century. But writers on British political parties have given most of their time to a consideration of programs and policies, to personalities, and to a rather mechanical although not complete description of the national and local party organizations. Considerable space has been devoted to the framework of the National Union or Federation of the party, while a sentence or two has sufficed to mention the Central Office. Consequently, our general knowledge of British party organization does not extend much beyond what was known at the opening of the century. To be sure, the growth and development of the Labour Party has been quite adequately treated by recent writers, and its organization quite

¹ I am greatly indebted to several of the important persons in the British party organizations for assistance in the preparation of this paper and I especially wish to express my appreciation to Mr. Philip G. Cambray and to Mr. H. F. Oldman.

² F. A. Ogg, *English Government and Politics*, p. 594, note.

satisfactorily portrayed. But the significant changes in the organization of the two older parties and the general tendencies of party organization in Britain remain to be discussed. Likewise party organization in Parliament has been well treated and is generally understood, but only sly glances have been cast at the focal points of British party control.

It is the purpose of this paper, therefore, to portray how party organization in Britain outside of Parliament has developed in a quarter of a century, and the effect these changes have had and will probably have on English political life. Inasmuch as the structure of local party organization has not undergone any significant changes during this period,¹ attention will be given principally to the central part of the organizations, and to the general organization developments. Only the briefest discussion can now be attempted, for lack of both time and ability, to mention but two handicaps, prevent the writer from producing a third volume of Ostrogorski. Few authorities can be cited because one is forced, in treating such a subject as party organization, to rely upon direct personal observation and inquiry.²

What have been the principal developments in British party organization since 1902? Immediately one can say that there has been a tremendous growth in the size of the organization. Since Ostrogorski and Lowell wrote their significant books there have been two large extensions of the franchise, until today Britain enjoys universal suffrage. A doubling of the electorate in twenty-five years is bound to make party organization expand. And furthermore, with a larger electorate, party organization becomes much more important. Where there are millions of voters the mechanization of politics seems to be inevitable, and the organization counts for more, the individual for less. The expansion of party activity as well as the enlargement of the electorate has also necessitated a

¹ Local party organization has of course been affected by the development of the junior movement and by the extension of the franchise to women. The organization is now bisexual and youthful as well as adult.

² I have spent several months of each of the last three years in England observing political parties and electoral methods.

great growth of party organization. To keep this larger organization running, more political workers are required, and the estimate made by Ostrogorski that the professional politicians "would hardly reach the figure of 2,000 for the whole of England, with Scotland and Wales",¹ must be more than doubled today.

Next, and more significant, there has been a growth in the size and importance of the Central Office. Ostrogorski pointed out the influence of the Central Office even though it was a small affair when he wrote. But today the Central Office is the keystone in the whole party organization. It is the focal point of party control, and its activities extend to every phase of party life. More and more does the whole party turn to the Central Office for guidance. Writing as late as 1911, a *Times* correspondent described the physical appearance of the Unionist Central Office: "One mounts a squalid staircase", he said, "and is shown into a small and uncomfortable waiting room which a railway company would despise."² Such a description would not fit the large and elaborately equipped offices which now house the Central Offices of all three parties. The very physical change bespeaks the other changes which have taken place.

Gradually the Central Office has assumed the tasks which must be performed to win elections and keep the party functioning. The National Union of Conservative and Unionist Associations which was founded in 1867 was originally intended to stimulate and direct the organizing movement in the country. The National Liberal Federation established in 1877 considered itself to be the policy-determining agency of the party. But gradually, and since 1900 more rapidly, both of these associations have become more and more unimportant and their work has been assumed by the Central Offices. One cannot say today that "the business of the Union is the winning of elections", nor that "its own function is really that of an electioneering body." Today the Union takes no part in

¹ M. Ostrogorski, *Democracy and the Organisation of Political Parties*, vol. I, p. 593.

² *The Times*, January 30, 1911.

elections and the local associations do not legally exist during an election. They are dissolved as soon as the election begins and are not revived until the election is over.¹ The secretary of the National Union does not even occupy his regular office at the Central Office during an election because there is no National Union work for him to do. All electioneering work is done by the Central Office and its subordinates in the constituencies, rather than by the Union. The same is true of the National Liberal Federation. It is not "a very active and influential agency for the administration of party machinery." It is merely the ruffle of the party, the parsley around the ham, so to speak, and it does not now bother itself with handling elections. It is almost entirely concerned with policy.

In the Labour Party, where the Annual Conference really amounts to something, the Central Office is the most important unit in the party machinery. Unlike the Liberal and Conservative Central Offices, the Labour Central Office is controlled from outside, namely, by the National Executive elected at the party conference; and the control is real, not merely nominal. But in studying the Labour Party organization one should give the most attention to its Central Office and to the National Executive. At the latest party conference time was used for educative speeches and the important decisions were left to the National Executive.² Perhaps this is merely indicative of the development which the Labour Party organization will have. If it is, this newer party will merely be going the way of the two older parties—it will be concentrating control within the machine, and not in the rank and file. After all, it is very difficult for a convention to combine the functions of discussion and control.

In the matter of candidatures the Central Offices have control. The Labour Party in its constitution requires that before any parliamentary candidate can be regarded as finally

¹This is done to avoid any possible violations of the Corrupt Practices Act which would invalidate the election. The point has not been raised in a petition and some authorities think that the court would look behind the fiction. But the practice of dissolving the associations is indulged in nevertheless.

²See *The Observer*, October 6, 1929, p. 11.

adopted for a constituency as a candidate of the Labour Party, his candidature must be sanctioned by the National Executive.¹ This requirement goes farther than that of either of the two other parties but the practice is quite the same in all parties. A Tory who is *persona non grata* is not likely to be nominated against the objection of the Central Office, and in normal times the same has been true of the Liberals. As the number of candidates fighting forlorn hopes has increased, the Central Offices of the two older parties have increased their power. Obviously when the Central Office has suggested the candidate, provided the funds, and determined the policy of the campaign in the constituency, it is likely to control the candidate. One must remember, however, that in the selection of Liberal and Conservative candidates, constituency organizations, especially those which have sufficient funds to meet their own expenses, frequently maintain considerable independence. Even then, the candidates are expected to accept the policy of the leader of the party. This is formally required by the Labour Party's constitution: "At any general election they [the candidates] shall include in their election addresses and give prominence in their campaigns to the issues for that election as defined by the National Executive Committee in its manifesto."² There has thus been a general gravitation toward the Central Offices of power over candidatures, and to an even greater extent of control over the policies and programs of the candidates after they have been selected.

One can go a stage further and say that the M. P. when elected is expected to support in Parliament the policies of the party as laid down by the leaders. In this respect too, the Labour Party makes a strict regulation: "If they [the candidates] are elected they shall act in harmony with the constitution and standing orders of the party in seeking to discharge the responsibilities established by parliamentary practice."³ And "it shall be the duty of every parliamentary representative of the party to be guided by the decisions of such parlia-

¹ *The Constitution of The Labour Party*, clause ix, section 3.

² *Ibid.*, clause ix, section 5.

³ *Ibid.*, clause ix, section 8.

mentary representatives, with a view to giving effect to the decisions of the party conference as to the general programme of the party."¹ In other words, Labour M. P.'s must follow the decision of the caucus whether they agree with it or not. The Liberals and Conservatives do not write a similar regulation into their party constitutions, but in practice the M. P.'s of these two parties are just as regular as are the Labour members. Party discipline in the Commons has been strong for fifty years, but it has never been stronger than at present. Members file through the division lobbies like so many school children, and the independent is almost nonexistent. This strict party voting has its undoubted advantages, but the point here is that the strength of the party organization has increased until party regularity in the Commons is nearly one hundred per cent perfect.

In another way the Central Offices have extended and consolidated their power. Large staffs of trained Central Office workers are continually covering the country in systematic fashion performing the multitudinous tasks which a good party organization must perform.² There are also provincial branches of the Conservative Central Office, for example, which really head up all the local party work. These provincial offices are not mere clearing houses of information. They assist with candidatures, with literature, with speakers, with money, and they exercise great control over the constituency organizations within their areas. Hundreds of full-time, paid workers, usually the most experienced ones, those who have proved unusually successful in local constituency affairs, are selected to do this work and they do it under Central Office guidance.

The importance of the Central Office is demonstrated in another way. In 1903 when Ostrogorski wrote about the Tory Central Office it had about twelve employees. Today the Central Office personnel of that party numbers around two hundred and fifty persons and its annual expenditures, not in-

¹ Article 4c of the constitution adopted in 1918. This particular clause was left out in the revision of 1929.

² See the *Annual Reports* of the Labour Party for instance.

cluding any general election expenditures which might be necessary, amount to at least half a million dollars! The Liberal Party and the Labour Party are not so well provided, but their Central Office staffs have more than quadrupled in a quarter of a century.¹

Sufficient evidence should now be at hand to demonstrate that the Central Office really *is* the party organization, and that the large federations of constituency organizations have ceased to play an important part in the party mechanism.² Contrary to certain written accounts, the Central Office is not the child of the big federation, nor has it been established or extended by it. It has grown up despite the opposition of the democratic organization of the party until it has crowded out control by the rank and file. Just as the development of parliamentary government has carried with it the corollary of strong, centralized leadership in the Commons, so has the extension of the suffrage necessitated the concentration in the Central Offices of control over the party organizations outside of Parliament. As the Cabinet has grown in power and authority, so have the Central Offices, and the leaders have of necessity come closer and closer to the Central Offices.

The Liberals were the first to realize that duality of control is unwise. They learned their lesson after the election of 1895 and from that time forward they gave increased authority to the Liberal Central Association. Formed in 1860, this body had roots in the constituencies but was in reality a more or less self-perpetuating oligarchy intended to develop strong

¹ It should be pointed out that the Liberal Party at present is not in a normal condition, and also that the Labour Party gets the full benefit of the organizations of the trade unions.

² In the recent annual conferences of the Liberal and Conservative parties there was evidence of a reawakening of interest in the national associations. In the Conservative conference there was serious criticism of the Central Office and of the impotent position of the National Union. A movement is on foot to displace the Chairman of the Party Organization as Chairman of the Executive Committee of the Union so that the Union will have a leader of its own choosing, and the conference put itself on record as favoring this change. For the Liberal conference see *The Liberal Magazine* for November 1929. The Conservative Conference is well reported in the *London Daily Telegraph*, Nov. 22, 1929.

central control. The leader of the party was President of the Association, and the Chief Whip was Chairman of the Executive Committee. The Secretary of the National Liberal Federation became Honorary Secretary of the Central Association. During the War, party organization practically ceased to exist, and following the War the Liberals fell on evil days. Today the Liberal Central Association still lives; control of the party organization, however, has passed nominally to the Administrative Committee,¹ but really to the smaller Organization Committee headed by Sir Herbert Samuel, who has been Chairman of the Party Organization since 1927. The National Liberal Federation still has an important function to perform but in no sense can the rank and file of the party as there represented be said to control the party organization. The Central Office headed by the Chairman of the Party Organization runs the party machine.²

Up to 1911 the Conservatives allowed the National Union and the Central Office to run side by side. When a general election came along there was duplication and lack of coördination, for there were two offices working without consultation. Reports made to the National Union were sometimes not received by the Central Office. When the tariff-reform controversy occurred, the Central Office advocated the leader's policy while the National Union advocated the more advanced policy of the majority of the party. Following the three unsuccessful elections in 1906 and 1910, the Conservatives completely rearranged their party machinery so that today the Central Office is the important cog in the organization. The

¹ The Administrative Committee consists of the Executive Committee of the National Liberal Federation together with nine other persons representing among others the Liberal Parliamentary Party, the Scottish Liberal Federation, the Women's National Liberal Federation, and the League of Young Liberals, forty-four in all.

² The offices of the National Liberal Federation are at present separate from those of the Central Office. But the Secretary of the Federation has offices in both places, and in fact does his important work at the Central Office, where he is the subordinate of the Chairman of the Party Organization. Until 1911 the Chief Whip's officials, the Liberal Central Association, and the National Liberal Federation were all housed at 42 Parliament Street.

meetings of the National Union of Conservative and Unionist Associations are important as social affairs but not as meetings to control the party.¹

Inasmuch as the Labour Party organization has been developed in comparatively recent years, the leaders could set up machinery which was suited to modern needs as well as to the needs of the party. It is indicative of the general trend of party organization in England to observe that the Labour Party contrived to centralize power in the party without paying too much attention to democratic control. At the recent annual conference of the Labour Party when the new constitution and standing orders were adopted, the National Executive proposed a new type of party member to be known as an associate who would subscribe and be attached to the Central Office.² Upon serious objection being raised, the proposal was withdrawn for a year, but the tendency even in this party toward a stronger central organization was indicated by this suggestion of its National Executive. As has been previously observed, however, the Labour Central Office is not a law unto itself, for it is controlled by the National Executive elected at the party conference. But regardless of the control, the Central Office is most important and is becoming more so.

Coincident with the growth in importance and power of the Central Office, and the decline in the control of the National Union and the National Federation, has been the lessening influence of the local constituencies in the control not only of the party but of their own affairs. This is most noticeable in the matter of candidates and in the matter of agents. The Central Office cannot do the local work, but it can lay down the plans and furnish the necessary funds. In fact as the number of local subscribers to the party funds has fallen off, the associations have become more dependent upon the

¹Following the Conservative defeat in the elections of 1929, the party conference pressed for several changes in the constitution of the Union, among them one to force the leader not to ignore resolutions passed at the annual meetings. See *The Times*, Nov. 22, 1929, p. 19, for the report of the meeting.

²See the *Labour Magazine*, vol. VIII, p. 316, for an article on the new constitution and standing orders of the party by G. R. Shepherd, the National Agent.

central organizations. The Central Office cannot actually adopt the candidates but it can greatly assist in their choice. The M. P. is elected by his constituency but he is much more the agent of his party than of his constituency. There is an increasing number of small administrative favors for the member of Parliament to perform for his constituents, but he is less and less a free agent so far as his parliamentary votes are concerned. Of course the Central Office is useless without efficient constituency organizations, and effort and money are not spared to keep the roots of the party organization in the constituencies well protected. The Labour Party is still weak as a constituency organization in most places, and its individual membership as opposed to the membership arising out of affiliated organizations is small.

Having in mind now the predominating power of the Central Office, let us observe how its organization has changed in the last two and half decades. Inasmuch as the details are different for each party, it is necessary to treat the parties separately. Looking at the Conservatives first, we find that up to 1911 their Central Office was nominally under the control of the Chief Whip, with the Principal Agent as the working head. The office of Chief Whip is a rather old one,¹ but that of Principal Agent in the Conservative Party was not created until 1870, when Sir John Gorst was appointed to the post. The Principal Agent in time became the Honorary Secretary of the National Union, thus linking the two organizations. This practice was continued by Captain Middleton, who succeeded Sir John Gorst as Principal Agent in 1885 and who continued until 1903 in this important post. Captain Middleton was in direct touch with the Whip and with the leader of the party and as long as he remained Principal Agent the machine worked smoothly.² After a few years under Captain Wells and Colonel Haig, Sir Percival Hughes took

¹ See M. Ostrogorski, *op. cit.*, vol. I, pp. 137-49. Also the article on the Chief Whip by Viscount Gladstone in the *American Political Science Review*, vol. XXI, pp. 519-29.

² A. L. Lowell, *The Government of England*, vol. I, p. 578.

the office of Principal Agent and held it until after the reorganization of 1911 had become effective.¹

By the reorganization of that year, a revolution was worked in the organization of the Conservative Central Office. As the report of the Committee on Reorganization stated: "All executive power as regards organization, literature and speakers should be vested entirely in the central office."² But most important of all, a complete divorcement of the Chief Whip from the Conservative Central Office was brought about, and a new post was created to be known as the Chairman of the Party Organization.³ This person was to be responsible to the leader of the party for the organization of the party outside of Parliament in the same way as the Chief Whip was responsible to the leader for the party organization in Parliament. This was recognition of the fact that the Chief Whip was too occupied with parliamentary duties to pay much attention to the Central Office. He rarely would go to the Central Office and the Principal Agent would have to see him at the House of Commons.

Since 1911 then, the Conservative Chief Whip has had nothing to do with the Central Office.⁴ The head of the office has been the Chairman of the Party Organization, and in every case the holders of the office have been M. P.'s at the time they held the office. The post has been considered of Cabinet rank. Even in the matter of recommending persons for honours, the Chief Whip at present only prepares that part of the

¹ The post of Principal Agent has been held successively in the Conservative Party by Sir John Boraston (1912-1921), Sir Malcolm Fraser (1921-1923), Sir Reginald Hall (1923-1924), Sir Herbert Blain (1924-1926), Sir Leigh Mac-lachlan (1926-1928), and now Mr. H. R. Topping.

² *The Times*, October 26, 1911.

³ The first Chairman of the Party Organization was Sir Arthur Steel-Maitland. Following his resignation in 1916, the post was held by Sir George Younger, later Viscount Younger of Leckie, until 1922. Colonel Jackson was Chairman from 1922 until 1926, when he was succeeded by the present Chairman, Mr. J. C. Davidson.

⁴ It is not now correct to say that "the Central Office is essentially an extension of the Whip's Office."

list which suggests M. P.'s.¹ The larger part of the list is prepared by the Chairman of the Party Organization, who also collects most of the money for the running expenses of the organization.² Inasmuch as the Principal Agent now serves under the Chairman, his office has been decreased in importance. His work is now directed by the Chairman, who is always in the office. The Principal Agent's importance was further decreased in 1928 when Mr. J. C. C. Davidson, the Chairman, divided his office first into three and finally into two offices. As matters now stand there is a Director of Publicity who has complete charge of publicity outside of the control of the Principal Agent. It is therefore the Chairman of the Party Organization who directs the regular work of the party, and he is responsible only to the leader of the party. The local associations have no power over him. He has, in the words of a recent critic, "more power vested in him than a Tammany Hall boss."³ This is centralized control, but few will argue that the organization of the party suffers from it.

The Liberals have had a different experience, but the result has been the same. The Chief Whip, by virtue of being Chairman of the Executive Committee of the Liberal Central Association, continued his control over the organization of the Central Office. He was assisted by the Principal Agent but retained the chief power himself. He collected and disbursed the party funds, and in general controlled the party organization. He frequently consulted with the district federations, and their officials were in fact district agents of the Chief Whip. The Master of Elibank, who was Chief Whip for many years down to 1912, developed the practice of having a whip for each section of the country to stimulate party activity.⁴ Sir Robert Hudson, who was both Secretary of the National

¹ At any rate this has been the practice under Conservative governments of recent years.

² The Chairman collects the money for current expenses and relies upon the Treasurer to collect the big sums for elections.

³ *The Times*, Nov. 22, 1929, p. 19.

⁴ The Conservative Party does this also. The success of the plan depends entirely on the personality of the whip.

Liberal Federation and Honorary Secretary of the Liberal Central Association, was also a power in the machine. During the War, party organization languished. Then in 1918 it was found practically impossible for the Chief Whip, in addition to the increasing burden of his parliamentary duties, efficiently to supervise organization work, and this latter task devolved upon his Chief Assistant Whip. After 1918 the Liberals were divided and there were two separate Liberal organizations. The Independent Liberals placed the question of candidatures, funds and other organization work in the hands of a small committee, while the Coalition Liberals used their Chief Whip and a few others to handle organization work. In the meantime, as from January 1, 1924, the constitution of the Federation was changed and the district federations became branches of the National Liberal Federation; moreover, the executive committee, elected by districts and quotas, was made more representative of the whole party. Following the election of 1924, a convention was called by the National Liberal Federation, and the party was reunited. An Administrative Committee, as previously described, was set up and placed in control of the party. This Administrative Committee then appointed a small Organization Committee and selected a Chairman of the Party Organization.¹ It is the holder of this last-named office, at present Mr. Ramsay Muir, who controls the Liberal Central Office. There is a Chief Agent and a Chief Whip, but both are under the direction of the Chairman so far as party organization throughout the country is concerned. The Whip is not in control, nor does he collect or disburse the funds. Centralized control is given to one man, the Chairman of the Party Organization, who in this case is not responsible to the leader of the party, but to the Administrative Committee.²

¹ *The Times*, Feb. 17, 1927.

² The Liberal Party has hardly recovered its equilibrium and its organization is therefore somewhat tentative. But the present plan seems to be working satisfactorily to everyone and is likely to continue. The Liberal Central Association, sometimes called the Liberal Central Office, is only concerned with the Chief Whip's activities, which are now purely parliamentary. The Chief Whip,

In the Labour Party, the Whip never has been an important person in the organization. The Central Office work has been performed under the direction of the Secretary of the party, Mr. Arthur Henderson. It is he who is largely responsible for building up the organization of the Labour Party. Under him have been the National Agent and the Chief Woman Officer.¹ Considerable power is possessed by the Treasurer, who has been Mr. Ramsay MacDonald, the leader of the party.

In all three parties, therefore, the Chief Whip is no longer the head of the party machinery outside of Parliament. He may or may not be in the Central Office,² but he has no control over it. A new post has been developed, that of Chairman of the Party Organization, and the holder of this position is the head not only of the Central Office, but also of the whole party organization. In the Labour Party the party organization is really controlled by the National Executive and the Secretary of the party, who directs the Central Office. Finally, in the two older parties the Principal Agent has been placed under the Chairman and has been shorn of some of his powers. One can now grasp the great transformation of party organization which has taken place.

It has been observed previously that party activity has greatly increased in volume and scope. It is in these respects that the greatest changes are noticeable. For instance one of the greatest developments since 1902 has been the extension of full party membership to women, and the organizing of the newly enfranchised women after 1918 within the various parties. Both the Conservatives and Labourites created a new Women's Department within the Central Office, while the

however, is *ex officio* a member of the Administrative Committee and is also at present on the smaller Organization Committee. All these bodies are distinct but there is proper liaison among them through several officials.

¹ Mr. Edgerton P. Wake was National Agent from 1919 until 1928. He was succeeded by Mr. G. R. Shepherd. Dr. Marion Phillips has been the Chief Woman Officer.

² After the Conservative defeat in the elections of 1929 the Conservative Chief Whip was provided with an office at the Central Office. But he in no sense controls the office. When the party is in power the Whip has an office provided for him at No. 12 Downing Street.

Liberal women organized themselves into a separate Women's National Liberal Federation. The head of the Conservative Women's Department is Deputy Principal Agent, but she does not of course interfere with the men's side. In the Labour Party the women's work is headed by a Chief Woman Officer who is at the Central Office.

Women have taken to party work with such eagerness that in many constituencies they do more of the work than the men. At present one cannot say that they are having the influence on policy that their activity warrants, but in the years to come they should be watched.

Another great development of British party organization has been the creation of junior organizations. As early as 1908 the Conservative annual conference resolved "that in the interest of the party it is desirable that junior associations should be formed throughout the country." The Conservatives made an early start and today they are far in advance of the other parties.¹ The Junior Imperial League has 1,500 branches and 250,000 members. It has full-time organizers, a regular publication and regular meetings. Lord Stanley regards work of this League as so important that he recently resigned as Deputy Chairman of the Party Organization in order to direct it.

These two new party activities are responsible for a considerable portion of the expansion of the Central Offices. But the publicity activities are also responsible. With the rise of the art of publicity, parties necessarily expanded their staffs so as to keep pace with the times. In every Central Office there is a press and publicity department. The Liberal Party maintains a separate Publication Department which is responsible to the Federation and the Central Association, but which coördinates with the Liberal Campaign Department to take charge of all forms of propaganda.²

Another interesting development is the setting up of educa-

¹ The financial difficulties of the Labour Party have precluded them from subsidizing the Labour Party League of Youth, which has therefore flourished only in a few of the better organized constituencies.

² See the *Annual Report* of the National Liberal Federation, 1928, p. 98.

tional institutions to teach politics and party organization work to the active members of the party. The Conservatives have established Philip Stott College and have recently been given a large estate to develop further their educational work.¹ The Liberal Summer School has been going for nine years now and one should not minimize its influence on the Liberal Party.² The Labour Party occasionally holds summer schools of a week's duration, but the party has been handicapped in this work by lack of funds.

The development of extensive research agencies at the various Central Offices is another significant development of post-war years. An adequate idea of the work performed by these agencies cannot be given here, but suffice it to say that no more valuable and significant development in British party organization has occurred than the growth of the research and information side of the Central Offices.

One final development of party organization should be mentioned. The agents of the various parties, those professional politicians upon whom largely depends the success or failure of the party at the polls, and who bear the burden of the all-year-round party work, have improved the organization of their national associations.³ Examinations have been instituted and agents are carefully certified. Increased pay is attracting better men and women to the profession. Since registration work is no longer of importance, the problem of the agent to-day is largely that of organization and propaganda; consequently a different type of agent is required. These agents,

¹ Ashridge House, a large country estate not far from London, was given to the party in honor of Bonar Law to serve as a college for the Conservative Party. It was completely remodeled and was dedicated in July, 1929.

² See the article on the Liberal Summer School by E. D. Simon in *The Contemporary Review*, September 1929, p. 273.

³ The National Society of Conservative and Unionist Agents was founded in 1890. The Society of Certified and Associated Liberal Agents was founded in 1893. The Labour Party Association is called The National Association of Labour Registration and Election Agents. All three of these associations publish regular magazines for confidential circulation among the members. In addition to the regular annual meeting, there are many meetings of the agents in the various areas.

although usually employed by the constituency associations, constitute a strong force in favor of the Central Office. They look to London for assistance and promotion.¹

With all of these changes in party organization one might expect a change in the methods of financing parties. But with the exception of the Labour Party, little change can be observed. The Labour Party secures its funds largely from the rank and file through collection of the affiliation fees of the trade-unionists. The two older parties, on the other hand, still rely upon the gifts of a comparatively small number of persons.² The Liberals have attempted to democratize their financial methods, but little success has attended their efforts.³ The Conservatives, already adequately financed, find no reason to discard a system which is so productive.⁴

One notable feature of British political life remains to be mentioned, because of its bearing on party organization. Before the War there were numerous powerful associations founded to advance or oppose some one policy. One recalls the Tariff Reform League or the Free Trade Union. These non-partisan bodies greatly assisted the parties and had a profound effect upon elections. Since the act of 1918, however, they have been so restricted that they now have little influence at elections. As they cannot take part openly in elections, much of their power is gone. Whatever work they once performed is either accomplished by the parties or left undone. The probability is that a good deal of their effort was sheer

¹ The Chairman of the Conservative Party Organization is President of the National Society of Conservative and Unionist Agents. The Labour Party advances money to pay for the services of party agents in the constituencies. A plan is now in effect which will eventually cost the national Labour Party about \$10,000 a year. In 1925 about \$25,000 was paid for this purpose. *Annual Report*, 1926, pp. 23-24.

² There are a number of constituencies where expenditures are met out of funds collected in small amounts from the members.

³ The so-called Million Fighting Fund was launched as a serious attempt to broaden the subscription lists of the party and to make it less dependent upon the subsidies from the Lloyd George Fund. Although the project was not a complete failure, it did not come up to expectations and has now been ended.

⁴ The writer has in preparation a book which will treat of the use of money in English, French and German elections.

waste, although they added considerably to the liveliness of elections.

With all of these significant developments in British party organization in mind, what can be said of their effects on British political life? A number of conclusions may be ventured. In the first place, the great centralization of power which has been brought about, the strengthening of the machine, has not been a blow to leadership as Ostrogorski feared. On the contrary the lessening influence of the democratic federations and the growing influence of the Central Offices have resulted in a strengthening of party leadership. The parties have become more cohesive forces, and the party organizations more efficient instruments of popular government. Even in the Labour Party, where at first the parliamentary caucus and the National Executive were devised as checks on a Labour Government, these have been reduced to the position of being consulted by the Labour Ministers. Committees are less important and leadership is more important. Even the tremendous growth of the organization has not lessened the power of leadership. As Professor Munro has written: "Leadership counts for somewhat more and organization for somewhat less than in the United States."¹

In the next place the greater power of the Central Offices and the strength of the party leadership have tended to increase party discipline. This tendency has been bitterly assailed by critics who lament the absence of real, independent voting in the Commons. Debate is more stereotyped, and the results of divisions could be announced before the divisions occur. The arguments presented have little or no effect on the voting, although they probably do affect opinion in the country. The unity, however, which strict discipline insures, greatly simplifies popular government and makes for stronger party responsibility.

As to the control of British parties we should speak more cautiously. But it is clear that the control of the parties is not possessed by the rank and file. With the increase in the

¹ W. B. Munro, *The Governments of Europe*, p. 258.

power of the organization and the expansion of the electorate has come the enhanced importance of the professional element. In the Conservative and Liberal parties, the leader of the party controls the party organization, whereas in the Labour Party the control is possessed in final analysis by the trade unions. Perhaps democratic control of party organization in England is foredoomed to failure, because under a system which concentrates power in a Prime Minister immediately responsible to the Commons, the Commons in turn being responsible to the people, the determination of policy and the control over the party machine are almost necessary powers of a party leader. Even the Labour Party seems now to have recognized this. Every leader desires popular confidence in the control, but not necessarily popular control. This formalism and regularity, this reliance upon leaders, is not necessarily the degradation of democracy, as Ostrogorski charged. It is a rejection of democratic methods, but it may result in the achievement of democratic ideals.

Clearly British parties have raised the tone of public life somewhat higher, and without question they are performing their task of political education better than ever before. This is all to the good. And yet it is equally clear that present-day party organization has not sufficiently modernized itself so as to handle a vast electorate. As Mr. Baldwin said recently before the Central Council of the Unionist Association: "The whole organization of a party has to adapt itself to the modern conditions of electioneering, and to the enormous electorate that has come into existence after the war; and I doubt if any party has yet adapted itself fully to meet the new conditions."¹ Nor have British parties, with the exception of the Labour Party, devised adequate means for the expression of the opinion of the party. But they have not become more like American parties as Ostrogorski predicted they would become. Rather have they developed more as English parties would be expected to develop. That is, they have become more centralized and integrated. As the Cabinet has become more power-

¹ *Monthly Gleanings and Memoranda*, vol. LXX, p. 178 (August, 1929).

ful, so have the central party organizations. Their general tendency has been centripetal. As Ostrogorski in another connection predicted:

. . . it must be admitted that among the divergent forces which have just been reviewed, those which hold the Caucus in check are, if anything on the decline; that in their perpetual contests the chances are rather on the side of the centrifugal forces favouring the formalism and the mechanicalness which the Caucus tends to introduce into English political life under the auspices of democracy.¹

Political organization in Britain has become more mechanical, more strongly controlled from the center. As Sir Charles Marston said a short time ago in criticizing the Conservative organization, "It is democratic until it reaches the top".² In theory English party organizations are quite democratic and anyone can fill even the highest offices. But in practice the higher positions are restricted. Through the maze of committees the discerning eye can see that the leader of the party holds the power and that the party is expected to follow his lead. The organization is his tool and it responds to his decisions.

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¹ *Op. cit.*, p. 618.

² *The Times*, Nov. 22, 1929, p. 19.

STATE PENSIONS AND OLD AGE DEPENDENCY IN GREAT BRITAIN

PROVISION for the maintenance of the aged poor is a problem to which in the course of history society has addressed itself in various ways. Recent advances in medical knowledge and public health administration have considerably increased the expectation of life. There have, however, been no accompanying advances in economic knowledge which might, by reducing the economic risks of working life, have made possible a correspondingly greater provision on the part of individuals for this prolonged old age. The problem of providing for the aged poor is, therefore, likely to increase in magnitude. The granting of state pensions to persons above a certain age is one method of attacking this problem and of late has been resorted to in increasing measure. The experience of Great Britain, extending over a period of twenty-one years, with such a scheme of state-provided old age pensions offers material for a study of the evolution of this system under the stress of practical administration, and for an analysis of the effects of its operation.

The decision to attack the problem of old age dependency in Great Britain by means of state pensions was not taken without due reflection and experimentation. During the last two-thirds of the nineteenth century aged persons were provided for by the system of public relief, the main lines of which were laid down by the Poor Law Amendment Act of 1834. Administration of poor relief is and was in the hands of local authorities, guided as to general principles by circulars from the central government. As a result considerable diversity of practice has developed, but three methods of dealing with the aged can be distinguished.

The earliest of these was the policy of indiscriminate, insufficient and unconditional outdoor relief to all the aged who could manage to exist outside the workhouse, coupled with

indiscriminate accommodation in the General Mixed Workhouse for the remainder. This policy was fairly generally adopted between 1834 and 1871. From that year until 1890 a second policy was in evidence. It had long been customary, in accordance with the prevailing theory that poverty was largely a matter within the control of the individual, to use the offer of support in the General Mixed Workhouse (where conditions were deliberately made unpleasant) as a test of the urgency of need for support on the part of able-bodied applicants. It was now decided to extend the "offer of the House" to the aged poor, in the belief that it would lead the poor to provide or to induce their relations to provide for old age, or that if no such provision had been made the "offer of the House" would lead other relations, not legally liable, to come forward with offers of support, rather than have the disgrace of a relation in the workhouse. Individual Boards of Guardians, however, occasionally departed from this policy to the extent of permitting outdoor relief to be given to aged persons who had led deserving lives and who had no relations legally or morally bound to support them.

From 1890 a third policy is discernible. As officially promulgated by the Local Government Board in 1895-96 it implied an attempt to secure to every aged deserving destitute person outdoor relief fully adequate for subsistence, or if he or she were unwilling or unable to use such an allowance, good maintenance in comfortable quarters in the General Mixed Workhouse. Experience had shown that it was unjust to group together the deserving aged poor who happened to have no relatives or friends who could support them, with the mixed and frequently undesirable characters to be found in the General Workhouse. Moreover it was felt in some quarters to be illogical to regard assistance from private charitable sources as carrying no stigma while treating the receipt of assistance from public sources as degrading. The general growth of interest in social problems which is so marked a feature of English life during the nineties inevitably directed more attention to the problems of old age dependency, and a demand for pensions for the aged deserving poor arose. As a result a

Royal Commission was appointed in 1893 which reported in 1895 that "neither the exercise of thrift, nor the support of relations, nor the intervention of voluntary charity, could be absolutely relied on to prevent deserving persons from requiring public assistance in old age." Its recommendations, that outdoor relief should be given to all the deserving poor, and that when these latter had to accept institutional relief, they should be separated from and treated quite differently from the undeserving, were embodied in circulars of the central authority, and some of the local authorities acted upon the new principles. Henceforth in several areas the aged deserving poor were allowed special privileges in the workhouse both in the form of food and minor luxuries and in relaxation of the rules regarding dress, visitors, hours of rising and retiring, and separate living accommodations. Nevertheless when the Poor Law Commission of 1909 reported, all three systems that have been discussed were found in operation in different parts of the country, and the third, although the authoritative policy of the central authority, was officially adopted by but a few of the local bodies.

The views of the commission of 1893-95 as to the nature of the aged dependent persons had, however, given new impetus to the demand for a reform of their treatment, and the movement in favor of state pensions grew apace. Committees were appointed by the governments of the day to examine specific proposals, and despite their failure to approve of individual schemes, bills were introduced into the House of Commons year after year, on each occasion gaining greater support. Finally in 1908 the first Old Age Pensions Act was passed.

Scope of the Pensions System

The first act reflected the attitude of the time toward the aged poor and toward state assistance: it confined the receipt of the pensions to "deserving persons" (by excluding from the right to pension persons who had failed to work according to their ability and opportunity) and to persons in great need (by fixing a low income level above which individuals were disqualified from receipt of pension). Since 1908 the act has

been four times amended and concessions have been made in two administrative orders. These changes have affected firstly the amount of the pension payable, secondly the maximum private income permitted to applicants, and thirdly other conditions of qualification for a pension.

The act of 1908 provided for a pension of five shillings a week for applicants receiving an income of not more than twenty-one pounds a year, and for a lesser pension for persons receiving greater incomes, the pension being graduated according to the means possessed.¹ This pension was equal to between one-fourth and one-fifth of the average unskilled wage for males at the time. The rise in the general level of prices between 1914 and 1920 rendered this pension, never generous, quite inadequate for those pensioners not in receipt of other income. Accordingly, an administrative order of July 1, 1916, authorized an additional allowance of two shillings and sixpence weekly to pensioners upon whom the War inflicted special hardship. This allowance was extended in 1917 to all old age pensioners not in receipt of wages, separation allowances or grants in excess of five shillings a week, over and above the weekly income permitted by the act.

A Departmental Committee which reported in 1919 examined several pensioners and collected budgets in an effort to determine the adequacy of the pension to its original purpose. Emphasizing its belief that the pension had never been intended to cover the whole cost of living of those otherwise without resources, the committee expressed the opinion that the allowance made in consequence of the rise in prices was inadequate and recommended that the maximum pension be raised to ten shillings: it also expressed the hope that "there may be gradually such a fall in prices that this ten shillings

¹ The rates granted were as follows:

Where income is not more than £21,	rate of pension 5/-
" " " between £21 and £23-12-6	" " " 4/-
" " " " £23-12-6 and £26-5-0	" " " 3/-
" " " " £26-5-0 and £28-17-6	" " " 2/-
" " " " £28-17-6 and £31-10-0	" " " 1/-
" " exceeds £31-10-0	no pension

will ultimately represent a substantial increase in the value of the original pension."¹ This recommendation found legislative expression in the same year. The maximum rate of pension has remained unchanged since 1919.²

In the second place the maximum private income permissible to pensioners has been raised since the original act was passed in 1908, and methods of computing it have been modified. It has already been indicated that under the 1908 act the full pension was payable only to persons in receipt of private incomes of less than £21 per annum, and that no pension was payable in respect of persons in receipt of an income of more than £31-10-0. This income included, in addition to cash income, the yearly value of property personally used or enjoyed by the applicant, property which might be, but was not, invested and assistance from friends or relatives in the form of gifts of food or house room. In 1911 certain changes more favorable to the pensioners were made in the methods of calculating means, and in 1917 administrative concessions were made whereby part of war separation allowances paid to, and earnings by, pensioners were excluded from the calculation of income in determining the eligibility of aged persons for pension. Many witnesses before the Departmental Committee of 1919 urged that the income limit should be abolished. The retention of the limit was assailed on the grounds that it imparted to the pension a pauper taint, that the inquiries into personal circumstances caused irritation and friction, and that it acted as a deterrent to private charity and to thrift and industry

¹ *Cmd. 410* of 1919, p. 8.

² The graduated rates are as follows:

Yearly means exceeding			and not exceeding			Weekly rate of pension
£	s.	d.	£	s.	d.	s. d.
—	—	—	26	5	0	10 0
26	5	0	31	10	0	8 0
31	10	0	36	15	0	6 0
36	15	0	42	0	0	4 0
42	0	0	47	5	0	2 0
47	5	0	49	17	6	1 0
49	17	6				<i>nil</i>

on the part of the old age pensioners. These arguments and the evidence offered in their support so impressed the members of the committee that they were "irresistibly forced to advocate that the means limit be abolished altogether, and that the old age pension be given to all citizens at the age of seventy."¹ But this advocacy was ineffective; the act of 1919 merely increased the income limit for the maximum pension to £26-5-0 per annum, raised the upper limit beyond which no pension would be payable to £49-17-6, and provided that the first £25 in the capital value of property should be excluded from the calculation of private income.

Agitation for the alteration of the means restriction continued, however, and by 1924 the National Conference on Old Age Pensions, an association formed to advance the interests of old age pensioners, had obtained pledges from more than half of the members of Parliament to abolish the "inquisition into means." In 1924 the Labour Government introduced a bill which subsequently became law, which provided for the exemption of a sum up to £39 a year from the calculation of the individual's income, provided that such income were received from sources other than earnings. This provision was intended to remove any possible check to savings that might have resulted from the application of the older income limit. Since 1924, although no further amendments regarding permissible private income have been made, the whole significance of the existing provisions has been changed, as will be indicated below, by the passage of the Widows, Orphans and Old Age Contributory Pensions Acts, 1925 and 1929, whereby ultimately the great majority of aged persons will receive pensions free of any investigation into means.

The third group of changes brought about by the series of amendments to the act of 1908 related to other requirements of applicants for pension. These conditions concerned the place of residence and the character of the applicant. The original act restricted pensions to those who had been British subjects for the twenty years preceding application and who had re-

¹ *Cmd. 410* of 1919, p. 9.

sided during that period in the United Kingdom. The act of 1911 extended the right to pension to wives of aliens under certain conditions,¹ and reduced the residence requirement to an aggregate of twelve years out of the preceding twenty. Hardships resulting from this latter requirement, which differentiated against persons who had been absent for several years in the immediate past,² induced the Departmental Committee of 1919 to recommend the payment of pensions to persons who had resided in the country for twelve years in the aggregate since attaining the age of fifty, and to British subjects of alien birth ten, instead of twenty, years after naturalization, provided they had been resident in the United Kingdom for at least twenty years. Both these recommendations were carried into effect in the act of 1919.

The original act excluded from the right to pension a person who had "habitually failed to work according to his ability, opportunity and need, for the maintenance or benefit of himself and those legally dependent upon him". The far-reaching inquiries made by the committee of 1919 embraced also the operation of this clause and the committee curtly reported, "We understand that this disqualification is rarely operative, and we think that it will be better frankly to abandon it."³ This recommendation was also accepted and embodied in the 1919 legislation.

Other provisions intended to insure the restriction of pensions to the deserving poor remained. Thus conviction for offenses involving imprisonment without the option of a fine, which under the 1908 act disqualified for a pension for ten years, under the 1911 act disqualified for only two years, provided the imprisonment was for not more than six weeks. Al-

¹ Namely where the woman but for her marriage would have fulfilled the provision as to nationality, provided that the alien husband had been dead for not less than two years, or the marriage had been dissolved or she had been legally separated from or deserted by the alien for a similar period.

² The committee pointed out that an otherwise pensionable person who had been absent from the United Kingdom from 1910 to 1918 would have to wait until 1930 before he could receive his pension, whereas if he had been absent from 1900 to 1908 he would become entitled to it in 1920.

³ *Cmd. 410* of 1919, p. 11.

though it was commonly objected that this clause imposed a double punishment for a single offense and differentiated against those who offended in old age as compared with those who sowed their wild oats before the age of sixty, the clause remained until abolished by the act of 1919. The right to pension was forfeited likewise for a prescribed period after conviction for offenses under the laws relating to habitual inebriacy, but this double punishment was also abolished in 1919.

The persistence of the belief, almost traditional in England, that recourse to the poor law is evidence of a shameful determination to live upon the enterprise of others, found expression in the 1908 act in a provision disqualifying from the right to receive a pension persons who had received poor relief other than medical or surgical relief (including "food and comforts"). The inadequacy of the pension to meet the needs of those without other means of support became more than ever evident during the rise in the general level of prices between 1914 and 1920. Nevertheless, receipt of public assistance in the home (other than that referred to above) continued to disqualify recipients from receiving a pension. The 1919 committee recommended the removal of this disqualification, but its theories concerning the proper basis for the allocation of poor law expenditure between the central and local authorities prevented it from recommending the payment of pensions to persons while they continued in receipt of institutional relief. It did, however, suggest that the pension should continue to be paid for a period of three months to persons who entered an institution for medical treatment, such pension being used to prevent the breaking up of the home of the pensioner, or to support dependents during his absence. This suggestion was adopted in the act of 1919. The Local Government and the Contributory Pensions Acts of 1929 have now provided for the payment of the pension throughout the whole period of medical and surgical treatment in a poor law institution.

All the foregoing changes operated either to increase the amount of the pension or to broaden the class of persons entitled to a pension by relaxing either economic or moral quali-

fications. The Widows, Orphans and Old Age Pensions Contributory Act of 1925, however, introduced a fundamental change: persons over seventy became entitled, by virtue of this act, to pensions *under the Old Age Pensions Acts*, provided they had been contributors to an insurance fund instituted by the 1925 act, irrespective of means, nationality or other qualifications. Wives or widows of persons who had been contributors were also entitled to receive a pension *under the Old Age Pensions Acts* on reaching the age of seventy. Moreover, under the act of 1929 contributors who have fulfilled the other statutory requirements do not forfeit their right to a pension merely by virtue of emigrating to any part of the British Empire.

The act of 1925 extended the existing system of pensions in a second direction by providing for the payment of pensions to persons between the ages of sixty-five and seventy. These pensions of ten shillings a week are paid to men and women contributors and to the wives or widows (above the age of sixty-five) of men who have contributed¹ to a pensions fund, toward which the state also makes a contribution. Contributors to this fund and their wives are entitled to a pension upon attaining the age of sixty-five provided they have been continuously insured five years and have paid at least 104 weekly contributions in the course of that insurance, and that the average number of contributions, or weeks of incapacity for work through illness and weeks of genuine unemployment for each of the three contribution years ending in July preceding the attainment of the age of sixty-five, has constituted a minimum

¹ The amounts of the weekly contributions are:

	Total weekly contribution (pence)	Share paid by employer (pence)	Share paid by worker (pence)
Men	9	4½	4½
Women	4½	2½	2

As from January 1, 1936, these rates will be increased, in the case of men by twopence a week and in the case of women by one penny a week (in both cases the addition being shared equally between employer and worker) and similar additional increases will be made in the contributions at the beginning of the decennial periods commencing the first day of January 1946 and 1956.

of thirty-nine.¹ A married woman claiming a pension by virtue of her husband's insurance need not herself be insured, but her right to pension depends upon her husband's compliance with the above conditions.

These requirements would, of course, have postponed the general application of the act until all wage-earners had made their full quota of contributions. Special provision was made, however, to extend the benefits of the act to those aged persons who, at the time of the passage of the act, were too old to have made the required number of contributions.² Even so, some groups of aged persons were excluded from the right to a pension and the Amending Act of 1929 made provision for some of these groups.³

The Blind Persons Act of 1920 is a third source from which the right to a pension in old age may be derived. Under this act, persons so blind as to be unable to perform any work for which eyesight is essential, are entitled to a pension under the conditions prescribed in the Old Age Pensions Acts for other aged persons, except that pensions are payable to blind persons at the age of fifty instead of seventy, while the qualifying

¹ This "average" test is modified to the advantage of persons who on reaching the age of sixty (or fifty-five if women) had been continuously insured for ten years, or since July 12th, 1912, whichever is the shorter period. Such persons may elect to have their claim decided on an average of twenty-six instead of thirty-nine, but if they do so, weeks of unemployment cannot be counted toward the number required. The Act of 1925 also imposed a residence qualification of two years, but this was abolished in the 1929 Act.

² Persons who reached the age of seventy before January 2, 1928, the date on which pensions became payable, and who have been continuously insured under the National Health Insurance Act since April 29, 1925, are entitled to unconditional old age pensions of ten shillings a week if they have been resident in Great Britain or Northern Ireland for two years immediately before the date on which the pension becomes payable and if their last employment was in those countries. Similarly, a widow who would have been entitled to a widow's pension but for the fact that she was seventy years of age or over when her husband died, may also claim an old-age pension in respect of his insurance.

³ In particular the new act made provision for wives between sixty-five and seventy, of men who were over seventy on January 2, 1928, and thus too old to qualify their wives for old age pensions between sixty-five and seventy, and for old people and widows who had previously been debarred because they, or their late husbands, had not paid a stated number of contributions during the three insurance years specified in the act.

TABLE I
NUMBER OF PENSIONS PAYABLE ON THE LAST FRIDAY IN MARCH
IN THE UNITED KINGDOM ^a

Year	Number of pensioners	Number at maximum rate	Pensions at maximum rate as percentage of all pensions
1909 .	647,492	none	none
1910 .	699,352	638,147	92.4
1911 .	907,461	847,614	93.5
1912 .	942,160	889,783	94.5
1913 .	967,920	915,750	94.6
1914 .	984,131	931,344	94.6
1915 .	987,238	934,416	94.6
1916 .	978,112	923,275	94.4
1917 .	947,780	891,678	94.1
1918 .	943,077	881,884	93.7
1919 .	920,198	855,274	93.0
1920 .	957,915	910,494	95.0
1921 ^b .	1,002,342	936,517	93.4
1922 .	1,029,367	958,909	93.2
1923 ^c .	936,953	872,912	93.1
1924 .	957,543	891,463	93.1
1925 ^d .	1,051,358	1,023,948	97.4
1926 .	1,112,869	1,079,086	97.0
1927 ^e .	1,245,887	1,222,466	98.1
1928 .	1,285,904	1,263,547	98.2
1929 .	1,317,233	1,292,715	98.1

^a Figures up to 1927 obtained from the *Nineteenth Abstract of Labour Statistics of the U. K.*, 1928, p. 202; from 1928 onwards, from answers to questions in the House of Commons.

^b In this and subsequent years the figures include a small number of blind persons between fifty and seventy receiving the maximum pension, under the Blind Persons Act (see Table III).

^c In this and in subsequent years the figures exclude the Irish Free State.

^d In this and subsequent years the numbers obtaining the pension and the number obtaining the maximum amount are affected by the provisions of the act of 1924 (which does not apply to Northern Ireland).

^e In this and subsequent years a growing number (see Table II) of persons over seventy years of age entitled to a pension irrespective of means (under the act of 1925) is included. This act also did not apply to Northern Ireland.

period of residence in the United Kingdom for natural-born subjects is calculated from the age of thirty instead of fifty. The residence qualification for blind persons of alien origin is the same as that set out for such aliens in the Old Age Pensions Acts.

TABLE II

NUMBER OF PERSONS RECEIVING PENSIONS UNDER, OR BY VIRTUE OF, THE
CONTRIBUTORY PENSIONS ACT OF 1925 IN GREAT BRITAIN ^a

Year ending March 31	Persons between 65 and 70 years of age ^b	Persons over 70 years of age ^c
1927	none	166,132
1928	472,269	289,926
1929	538,936	366,428

^a Figures obtained from answers to questions in the House of Commons, July 27, 1927, July 31, 1928, and July 26, 1929.

^b Payable out of funds under the 1925 act.

^c Payable out of funds under the 1908-24 acts and included in figures of Table I.

TABLE III

NUMBER OF BLIND PERSONS BETWEEN THE AGES OF 50 AND 70
RECEIVING PENSIONS IN ENGLAND AND WALES ^a

Year ending March 31	Number of pensioners
1922	9,107
1923	9,921
1924	12,404
1925	14,007
1926	13,663
1927 ..	16,400 ^b
1928 ..	17,337

^a The figures in the table were obtained from answers by the Ministers of Health to questions in the House of Commons and from the annual reports of the Ministry of Health.

^b Approximately.

The effect of these changes in the qualifications for pension upon the number of pensions is evident in Table I: the number of persons over seventy years of age receiving old age pensions under the acts of 1908-24 has steadily increased. Their effect upon the proportion drawing pensions at the maximum rate is equally evident in a marked upward trend.

The pensions authorized by the act of 1925 to persons over seventy years of age were payable from July 2, 1926, but pay-

ment of those to persons between the ages of sixty-five and seventy years was postponed until the beginning of 1928. It is anticipated that sixty-four per cent of all men and married women and twenty-seven per cent of all single women in this latter age group will ultimately receive pensions. The number of persons to whom pensions have already been paid under the act of 1925 is set out in Table II.

The total number of pensions payable in Great Britain under the Blind Persons Acts is not available; the numbers receiving pensions under these acts in England and Wales are set out in Table III.

Machinery of Administration

No simple coherent machinery has been established for the administration of the Old Age Pensions Acts: the work is distributed between the Local Pensions Officers, Local Pensions Committees, the Ministry of Health and the Post Office. The original act called for machinery for the investigation and local adjudication of claims for pensions. The local Boards of Guardians charged with the administration of the poor law naturally suggested themselves as most suited to this task, yet so prevalent was the traditional aversion to contact with the poor law that it was generally agreed that if the aged were to be induced to take advantage of the pensions a complete break must be made with the old system of public relief. New administrative bodies were therefore set up and special persons appointed to administer the Pensions Act. Claims for pensions are heard before and adjudicated by special Local Pensions Committees which may delegate their power to subcommittees. These committees, consisting of not less than seven members, are appointed by the council of the borough or district wherever the population of the borough or district exceeds 20,000; elsewhere the committees are appointed by the county council.¹ The councils in appointing the Local Pensions Committees and the latter in appointing subcommittees are permitted, but not compelled, to select from their own

¹ These bodies are the usual local government authorities roughly corresponding to the American city, township and county authorities respectively.

membership. This authority to appoint from outside their own membership has been freely exercised and many of the councils have appointed representatives of trade unions, officials of friendly societies and other persons experienced in the administration of social legislation. In 1926, the last year for which information is available, there were 558 Local Committees and 1,347 subcommittees in Great Britain.¹

Detailed information concerning each applicant is collected by a Local Pensions Officer appointed by the Board of Customs and Excise.² At first the work was performed by revenue officials in the course of their other duties but since 1917 full-time women Pensions Officers have been appointed. In 1926 the administration of the acts was in the hands of 304 such full-time officers and an unknown number of officials who combined the work with the administration of the Customs and Excise Acts.

Central control was exercised by the Local Government Board until 1919 when the Ministry of Health took over these and other functions of the board. In addition to his responsibility to Parliament for the administration of the acts, the minister is the final court of appeal against decisions of the Local Pensions Committees.

Finally, the weekly payments of the pensions are made by the Post Office.

Before the passage of the Widows, Orphans and Old Age Contributory Pensions Act of 1925, applications were submitted in the first place to the Local Pensions Officers who after investigation placed them before the Local Pensions Committee. Since 1926 claims have been sent in the first instance to the Insurance Department of the Ministry of Health. Where there is a clear statement of non-insurance and limited means the application is transmitted to the appropriate Pensions Officer for investigation in accordance with the Old Age Pensions Acts of 1908-24. If, however, the insurance qualifica-

¹ Answer to question in the House of Commons, November 24, 1927.

² This department is generally believed to have been selected as being, of all departments having a local organization, the freest from any taint of the poor law.

tion is established, the Local Pensions Officer is notified that the claim has been admitted under the Contributory Act. When the pension is authorized, either by the Ministry of Health (under the 1925 act), or by the Local Pensions Committee (under the 1908-24 acts), the Local Pensions Officer issues a book of fifty-two authorizations for weekly payment of the pension at the local post office.

The greatest concentration of power in this machine is in the Local Pensions Officer, who investigates each application and in view of all the facts revealed recommends to the committee a course of action thereon. But the local committees by no means merely concur in the recommendation placed before them. Their attitude varies widely according to the social condition of the district which they administer. In large cities the committees are usually well informed and competent.¹ In rural districts, especially where the farming interest prevails, they are apt to be "rather niggardly" and to interpret the law regarding income qualification as narrowly as possible.² In some urban districts where labor sympathies are prominent there is a tendency to grant pensions to the majority of applicants. In general, however, while the Pensions Officers regard themselves as the representatives of the Treasury and endeavor to secure rigid adherence to every letter of the law (particularly in the interpretation of clauses relating to the means possessed by the applicants) the Pensions Committees tend to be biased in favor of the applicant. The discretion allowed to the Pensions Officers in estimating the means of applicants has, it appears, rarely been abused to the advantage of the pensioners. All witnesses before the Departmental Committee in 1919 testified to the almost excessive severity of the officers in this respect,³ and it was significant that officers themselves used the word "inquisition" in their evidence to describe their relations with the applicants.⁴

¹ *Minutes of Evidence before Departmental Committee, 1919, Questions 782 et seq.*

² *Ibid.*, Question 761.

³ *Cf. Answers to Questions 781, 3496, etc.*

⁴ The number of prosecutions under the acts of 1908-24 for giving false in-

Appeal from any decision of the Pensions Committee may be made by the Pensions Officer or the pensioner to the Ministry of Health. This right is very generally exercised if, on reëxamination of the facts, the officer feels that the committee's award was improper. From 1908 to 1919 (inclusive) 17,955,331 claims came before the committees and of these 62,575, or .035 per cent, were carried on appeal (either by the officers or by the applicants) to the Local Government Board. More than half of the appeals concerned the estimate of the means possessed. The decision of the committee was reversed in 44 per cent of the appeals.¹

Before 1926 when the Contributory Act came into operation the average time taken to complete all inquiries was about sixty-five days. The new act reduced this average considerably and, in the course of time, as more and more pensioners come to qualify because of contributions under this act, irrespective of means, the period of investigation is likely to be materially reduced. It had fallen to fifty days by June 14, 1928.² The hardship to the pensioner, however, is reduced by the provision that claimants may apply four months before reaching the age at which the pension becomes due.

The Financial Burden

In any discussion of the distribution of the financial burden of these pensions a sharp distinction must be made between the old age pensions paid under the 1908-1924 legislation and those paid from the contributory fund initiated in 1925. The cost of the former (irrespective of whether the applicant qualifies because he satisfies the conditions laid down in the Old Age Pension Acts, or because he is over seventy years of age and has been an insured person under the Widows, Orphans and Contributory Old Age Pensions Acts of 1925 and 1929) is

formation to obtain a pension has been surprisingly small. During the period 1908-24, 2,281 pensions were thus prosecuted. In only 128 cases were the offenses so serious that the culprit was sentenced to imprisonment without the option of a fine. (Answer to question in House of Commons, May 18, 1925.)

¹ *Minutes*, Question 731.

² Answer to question in the House of Commons, June 14, 1928.

defrayed wholly by the state.¹ The cost of the pensions paid to persons between the ages of sixty-five and seventy under the 1925-1929 legislation is, on the other hand, defrayed out of a fund partly maintained by contributions from insured workers and their employers. All persons who are insured under the National Health Insurance Act of 1924 must be insured for widows', orphans' and old age pensions. Some 15 million people are insured under the Health Insurance Act and represent, roughly, all manual workers, plus those non-manual workers who earn less than £250 a year. The distribution of the burden of the pensions between the state, the employer and the worker is impossible to determine with exactitude because a single weekly contribution covers the cost of both the pensions for the aged and the pensions for widows and orphans. On the assumption, however, that contributions are allocated toward the payment of each type of pension in proportion to the relative total cost of each, contributions from employers and workers would, by the time the 1925 scheme was in full operation,² amount to roughly 61/87 of the total cost of the pensions given to persons between the ages of sixty-five and seventy.³

Provision was made in the 1925 act for the creation of a Pensions Account into which the weekly contributions from workers and employers shall be paid and to which the state

¹ There is so much confusion on this matter that it is worth quoting Mr. Chamberlain in the House of Commons on November 17, 1927: "The cost of old age pensions to persons aged seventy and over, payable by virtue of the Widows and Orphans and Old Age Contributory Pensions Act, is borne wholly by the Exchequer."

² I. e., by 1956, when the contributions have been increased to the full maximum provided for by the act, and when the scheme will have been in operation for a complete industrial generation.

³ It was estimated (*Cmd. 2406* of 1925, p. 24) that in the decade commencing 1956, the total expenditure under the 1925 act (*including pensions for widows and orphans as well as those between the ages of sixty-five and seventy*) would be as follows:

Period	Total expenditure £ millions	Contributions from industry £ millions	Deficit £ millions
1956-8	58.0	42.7	15.3
1960-1	59.1	42.8	16.3
1965-6	60.8	42.7	18.1

shall also contribute. But while other acts establishing social insurance funds in Great Britain have precisely defined the contribution to be made by the state in respect to each person insured, the Contributory Pensions Act of 1925 merely provided that the state would meet the deficit during the first ten years. Thereafter the contribution of the state was to be "such sums as Parliament may determine."¹ The new burdens added by the Amending Act of 1929 necessitated a revision of this arrangement, but although the period of legally prescribed state payments is extended from 1936 to 1946, the amount of state contribution after the end of that period is left to the determination of a future Parliament.²

The total annual liability of the state in the year 1965 and thereafter for old age pensions to persons over sixty-five years of age will be as follows: ³

	Millions of pounds
Cost of old age pensions under the 1908-14 acts ⁴	64.4
Share of cost of contributory pensions for those between sixty-five and seventy ⁵	6.4
Added cost of extensions of the amending act of 1929 ⁶....	.54
<hr/> Total liability	71.34

¹ During each of the ten years commencing with the year ending March 1927, the state was to make a uniform payment of £4,000,000, being one-tenth of the estimated amount by which industrial contributions were expected to fall short of total expenditure during the period. It was estimated that contributions from industry would exceed expenditure during the first three years of the system by £20,400,000; the deficit during the next eight years was estimated at £66,300,000, leaving a net deficit for the eleven years of £45,900,000.

² In the year ending in March, 1931, the annual state contribution is increased to £9,000,000, rising in subsequent years by annual increases of £1,000,000 to £21,000,000 in 1943. During the next three years it will remain at that figure and thereafter be determined by a new parliamentary decision.

³ *Cmd. 2406* of 1925, pp. 24-26.

⁴ £56,800,000 under the previous acts plus £7,000,000 by virtue of the 1925 act.

⁵ Calculated on the assumption that the contribution by the state to the cost of pensions to those over sixty-five years of age will be divided between these pensions and the pensions to widows and orphans roughly in proportion to the total estimated costs of each.

⁶ These extensions involve unconditional pensions to new classes of widows admitted to widows' pensions under the act of 1929 and to inmates of lunatic asylums.

It is further to be noted that the liability of the state on account solely of old age pensions even before the extensions of the Contributory Pensions Acts would have risen by this date (because of the increase in numbers of aged persons) to no less than £56,800,000. Moreover as the payment of the pension at the age of sixty-five years has effected a reduction in the liability of the state in respect to unemployment and health insurance for persons over this age,¹ the net additional annual cost of the 1925-1929 legislation in respect of old age pensions approximates £12,040,000.

It has been pointed out, however, that the ultimate burden of the pension system will not necessarily call for additional taxation. It was estimated when the 1925 act came into force that the total cost of all pensions (widows, orphans and old age) in 1965 would be £125,000,000, to which industry would contribute £43,000,000, leaving £82,000,000 to the Exchequer.² The Chancellor of the Exchequer was able ingeniously to point out that the annual increase in the state contribution to pensions of all kinds under the 1908-24 and 1925 acts would be almost exactly equal in amount to the annual decreases in the liability of the state in respect of war pensions to ex-soldiers.³ The symmetry of this scheme has of course to some extent been destroyed by the increased annual liability accruing in respect of widows' and orphans' pensions under the Amending Act of 1929.⁴

The Effects of the Legislation

The effects upon public opinion of this twenty-one years of experimentation with old age pensions in Great Britain are not in doubt; the legislation is generally popular. The meas-

¹ It was estimated that the annual relief to the Exchequer on this account would be roughly equal to £2,500,000.

² Answer of Mr. Churchill in the House of Commons, November 29, 1928.

³ *Cf. Cmd. 2406* of 1925, p. 26.

⁴ Since, however, most of the changes introduced by the legislation of 1929 provide for payments to "hard cases" of persons who had not paid the minimum number of contributions envisaged by the actuarial scheme, this extra cost falling upon the state, which amounts to as much as £5,000,000 per annum in the ten years ending in March, 1946, will ultimately fall to a permanent addition of £600,000 per annum.

ure of this popularity is indicated by the continued extension of the scheme and the favorable attitude of all political parties. Every successive act has widened the pensionable classes. The pension has been increased in amount. Most significant of all, from this point of view, are the acts which have been introduced since the end of the War in 1918. Despite the already heavy burden of taxation, which might have been expected to operate unfavorably to the extension of the pensions system, and which had already led to serious reductions of national expenditure in other directions, and despite even the knowledge that the proportion of aged persons in the total population is expected to increase greatly within the next two generations,¹ the scope of the acts has been three times widened. Nor is this legislation the result of the efforts of one particular party. The Departmental Committee of 1919 was decidedly Conservative in membership, but it reported in favor of universal pensions. A Labour government initiated the extension of the system in 1924 and a Conservative government introduced in 1925 a more far-reaching extension, as regards both numbers affected and ultimate cost to the nation. No party is prepared to advocate a return to the methods of dealing with the aged poor that were in vogue before 1908.

The economist and social scientist must, however, probe beyond contemporary popularity. The effectiveness of this experiment in social control must be assessed by measuring it

¹ This increase is attributable to the high birth rates ruling in the decades 1870-1880 and 1880-1890, and to the subsequent rapid fall in the rate, which in 1926 was less than half that of 1870. The estimated future population in Great Britain is as follows:^a

Middle of year	Total population over 16 years of age (in thousands)	Total population over 65 years of age (in thousands)	Population over 65 years of age as percentage of total population over 16 years of age
1926 ^b	31,585	2,881	9.1
1930	32,995	3,237	9.8
1940	35,480	4,184	11.8
1950	37,123	4,942	13.3
1960	37,886	5,212	13.7

^a Report of Government Actuary, *Cmd. 2406* of 1925, p. 41.

^b Figures for 1926 are for January.

against specific criteria. The criteria to be used are (a) its success in allaying the distress to alleviate which it was introduced; (b) its cost and more particularly the extent to which it has caused unnecessary payments to the well-off many in order to assist the needy few; (c) the facility and cost of the administrative machinery in relation to the service rendered; (d) its tendency to reduce the incentive to save, and thereby to aggravate the conditions it was intended to remedy.

(a) Since only a small proportion of the aged poor are completely destitute apart from the pension, any discussion of the adequacy of the pension to alleviate poverty among the aged must be preceded by some analysis of the private means possessed by persons obtaining pensions. Unfortunately the official statistics give no information concerning the size of the incomes of pensioners receiving less than the income entitling a person to the maximum pension.¹ On the basis, however, of information supplied to the commission of 1919, and from other sources,² it may be roughly estimated that:

	7	per	cent	of	the	pensioners	possess	annual	incomes	of	between	
									£26-10-0	and	£49-10-0.	³
50	"	"	"	"	"	"	possess	money	income	of	not	more
									than	£26-10-0.	⁴	
33	"	"	"	"	"	"	obtain	help	from	relatives	and	
									friends	to	an	annual
									value	of	not	
									more	than	£26-10-0.	⁵
10	"	"	"	"	"	"	have	no	income	of	any	kind
									and		receive	no
											private	assistance.
											⁶	

¹ Cf. *supra*, p. 186.

² The estimates relate to the period from 1908 to 1919 and, in the case of the upper 7 per cent, up to 1924. The compilations introduced by subsequent legislation render it impossible to infer from the official figures the numbers in each category. In general, however, it is probable that by 1929 the prolonged depression had reduced the proportions in the higher income groups, especially where the income came from friends.

³ The proportion of all pensioners who receive less than the maximum pension.

⁴ A residual figure.

⁵ Obtained from the evidence of Pensions Officers, members of Pension Committees and others to the Departmental Committee of 1919. (Answers nos. 2411, 2205, 3511, 6771, 7365, 6274, 6775, etc.)

⁶ The estimates of the witnesses varied from 7½ per cent to 50 per cent. This variation is largely due to the fact that many committees adopt a more

It is not possible to present satisfactory evidence of the cost of living for aged persons. Their needs differ markedly from those of the other adult groups of the population; their food and clothing requirements are much smaller; their need for fuel and heating is relatively greater, and their age and condition render house shelter imperative, often at the cost of a disproportionate amount of their income. Weekly budgets of several pensioners living solely upon their pensions, presented to the committee of 1919, indicated that such pensioners were able to exist only when enjoying good health and when exercising the most rigid and pitiful economy, eked out by the sympathy of neighbors who might, for example, occasionally allow them to sit by their fires in winter. Although since that date the pension has been increased from seven shillings and sixpence to ten shillings a week, and prices have declined, there is reason to believe that the pension is still barely adequate for the support of persons having no means of any kind and no assistance from friends or relatives. An income of twelve to fifteen shillings per week is probably the lowest amount which will support independent existence without a degree of economy that amounts to penury and hardship.¹

For roughly ten per cent of the pensioners, therefore, who possess no other means at all, the living provided must be poor in the extreme, and it is a tribute to the frugality and independence of the aged poor that, until 1921, less than one per cent of all pensioners applied for further public assistance.²

generous interpretation of means than is provided for in the acts and class as "having no means" all persons having no *money* income, many of whom are nevertheless living with children or receiving support from relations or from private charity. The only official estimate supplied to the committee which was arrived at on the basis of three months' investigation into the conditions of new applicants for pensions, concluded that about $7\frac{1}{2}$ per cent of all applicants had in the narrow legal sense of the term "no means at all".

¹ The new Survey (1930) of Life and Labour in London, inaugurated by the London School of Economics, has selected a weekly income of forty shillings for a man and wife and a normal family as representing the "poverty line" most nearly comparable to the classic poverty lines of Booth and Rowntree. *Journal of the Royal Statistical Society*, Part IV, 1929.

² See Table IV. The increase since that date, up to 5.96 per cent in 1927, is probably attributable to other causes as is suggested below.

Moreover, the greater part of this extra public assistance took the form of medical benefits.

It was, however, never claimed that the pension would completely meet the needs of those with no other means of support. It was intended rather to assist the much larger number who possessed some small means of their own, or obtained from friends and relatives assistance inadequate in itself to provide a livelihood; these groups according to the foregoing estimate are respectively one-half and one-third of all those drawing pensions. Thus the annual private income from all sources is less than £26 a year for approximately four-fifths of the pensioners. Even this maximum sum is inadequate in itself to provide anything above a penurious and precarious existence, and for this group as a whole the pension has undoubtedly converted penury into mildly comfortable existence.

The efficacy of the pension in meeting the needs of these groups is indicated in Table IV, which shows the extent of the decrease in the number of aged persons in receipt of public assistance in England and Wales.¹ It will be observed that the number receiving assistance in the home (and being therefore persons who, because of aid from others, or because of private means, needed only a supplementing payment from public sources) fell from 168,098 in 1906, the last normal year before the Pensions Acts, to 8,563, in 1913,² and to 6,950 in 1919. The fall in the number of aged persons in public institutions (from 61,537 in 1906 to 49,207 in 1913 and to 36,299 in 1919) was less spectacular, mainly because the inmates of these institutions are largely persons so sick and feeble as to be incapable in any circumstances of independent existence. But these statistics doubtless give a less than adequate measure of the degree in which the pensions system has alleviated the poverty of the aged because the traditional abhorrence of recourse to public relief must have deterred many whose needs

¹ No comparable poor law figures are obtainable for Great Britain as a whole.

² Of these 8,563, a considerable number were persons previously receiving institutional relief, who on the receipt of a pension became qualified for domiciliary relief. The real reduction in the number previously receiving public domiciliary relief is, therefore, probably greater than is indicated by the table.

were great from seeking assistance from the public authority before pensions were provided.

Some members of this group, possessing a small private or charitable income, find independent existence impossible, even with the addition of the pension; the percentage of pensioners relying on supplementary public assistance has steadily increased since 1920.¹ The prolonged depression, resulting in a more highly competitive labor market, has borne with especial hardness on the aged and has, at the same time, reduced the ability of friends and relatives to contribute to their support. Pensioners can no longer so frequently tide over periods of sickness, or supplement the inadequacies of the pension by personal exertion or by assistance from friends. Many have been transferred by the depression, at least temporarily, into the class of completely destitute,² and the "non-pension" income of all groups has probably been diminished. Nevertheless, at the end of ten years of abnormal unemployment, which must have depleted both the savings and the income from work of the employable aged and their private benefactors, it is significant that the total number of aged persons obtaining poor relief is less than half as great as in a normal year before the institution of the pensions system, although the septuagenarian population increased by thirty-six per cent between 1911 and 1926.³

(b) The second line of criticism, that the system may be costly in that it involves payment to a large number of pensioners where only a few are in need, appears, at first sight, to be supported by the fact that so a large proportion of all the aged receive pensions. It was estimated that in 1926-1927 58 per cent of all men over seventy and 74½ per cent of all women of that age group were receiving pensions. The act of 1925 increased the percentages to 69 and 76 respectively, and it is estimated that ultimately they will reach 74 and 77. Furthermore it was estimated that the pensions payable to per-

¹ Cf. Table IV.

² Apart from the pension.

³ Cf. Table IV. It is estimated that by the middle of 1930 the population over seventy will be 50 per cent greater than that in 1911.

TABLE IV

NUMBER OF PERSONS OVER SEVENTY YEARS OF AGE IN RECEIPT OF
PUBLIC RELIEF IN ENGLAND AND WALES ^a

On or about January 1st	Institutional Relief		Domiciliary Relief		Total number of pensions paid on March 31	Proportion of pensioners obtaining relief ^d
	Total number of recipients over 70 years of age	Old Age pension- ers ^b	Total number of recipients over 70 years of age	Old Age pension- ers ^c		
1906.....	61,537	—	168,098	—	—	—
1910.....	57,701	—	138,223	—	441,489	—
1911.....	55,262	—	93,177	—	613,873	—
1912.....	49,373	2,194	9,530	4,630	642,524	0.72
1913.....	49,207	2,850	8,563	5,080	668,846	0.76
1914.....	48,103	3,071	8,945	6,173	684,635	0.9
1915.....	47,197	3,413	8,456	5,897	691,405	0.84
1916.....	45,747	3,233	8,792	6,333	689,110	0.94
1917.....	43,456	2,400	8,479	6,304	670,393	0.94
1918.....	39,129	2,365	7,624	5,796	671,809	0.86
1919.....	36,299	2,576	6,950	5,059	658,818	0.76
1920.....	38,134	3,053	8,621	6,284	695,133	0.9
1921.....	40,939	3,311	11,752	9,998	734,295	1.36
1922.....	42,692	3,190	21,278	19,084	761,958	2.5
1923.....	43,072	3,025	29,548	27,577	795,832	3.46
1924.....	43,780	3,393	36,624	34,793	814,889	4.68
1925.....	44,475	3,535	45,064	42,852	900,536	4.76
1926.....	45,705	3,877	55,832	53,624	953,324	5.62
1927.....	46,731	4,273	65,480	63,489	1,064,145	5.96
1928.....	46,395	4,280	69,921	67,867	....^f	.. ^f
1929.....	46,837	....^e	75,119	....^e	....^f	.. ^f

^a Figures up to 1919 obtained from the Appendix to the *Minutes of Evidence* of the Departmental Committee investigating old age pensions legislation in 1919 (*Cmd. 411* of 1919). From 1920 onward they are obtained from answers given by the Minister of Health to questions in the House of Commons each year.

^b Included in second column.

^c Included in fourth column.

^d Percentage obtained by dividing column five by column six.

^e The figures as given do not differentiate between persons over 65 and those over 70 who obtain pensions.

^f Figures not available.

sons between sixty-five and seventy would immediately become payable to 53½ per cent of the male population and married women of those ages, and to 13 per cent of single women, in-

creasing ultimately to 64 per cent and 27 per cent of the two groups respectively.¹ Judgment concerning the liberality of these payments turns upon the facts concerning the economic condition of these age groups: is the condition of three-quarters of the population over seventy such as to warrant the payment of a pension?

No question can arise concerning the necessity of public expenditure on pensions to the ten per cent of the pensioners having no other means, nor in respect of the thirty-three per cent whose only income is derived from friends or relatives. To the extent that any generation contributes to the upkeep of a previous generation, its ability to provide for its own independence in old age is impaired, and dependency is likely to be perpetuated. There remain, however, some fifty per cent of the pensioners who possess incomes up to £26-5-0 a year² and who receive the full pension of ten shillings a week, and roughly another seven per cent who have annual incomes between £26-5-0 and £49-17-6 and receive a pension varying inversely with the size of their private income. In view of our estimate that a weekly income of between two and five shillings is needed to supplement the pension to save the pensioner from penury, it may be argued that all those pensioners who possess property yielding over five shillings a week are treated with unnecessary and unjustifiable generosity. The number of such pensions included in the class receiving £26-5-0 per annum or less is not directly available, but an estimate can be made.

If it be assumed that the majority of families are precluded by family responsibilities from saving before they attain the age of thirty-five to forty, there remains a period of thirty to thirty-five years in which to accumulate capital. The accumulation of a capital sum of £250 would necessitate a weekly saving of approximately three shillings per adult for thirty years, while the accumulation of a capital sum which would yield the maximum income permissible if a full pension is to be obtained

¹ Report of Government Actuary, *Cmd. 2406* of 1925, pp. 13 and 17.

² As calculated under the act. See note 1, p. 207.

would call for weekly savings of twice this amount.¹ Such savings would have to be made out of an average weekly income of forty-five shillings for unskilled workers, and sixty-five to seventy shillings in the case of skilled workers.² Moreover this saving is *additional* to savings to provide against loss of income due to sickness, unemployment³ and the other incidental risks of active working life. Furthermore, the assumption of a savings period of thirty years presupposes no charge on income on account of children or other dependent persons after the age of thirty-five to forty, and the continuance of undiminished earning power up to the age of seventy. In all these circumstances there is little probability that many pensioners have accumulated capital yielding an income in excess of five shillings a week:⁴ the number of pensioners drawing the full pension and possessing some means of their own, who are treated with unnecessary generosity, is, therefore, small.

Concerning the remaining seven per cent who possess means in excess of £26-5-0 a year and whose total income, including the graduated pension, is somewhat less than twenty shillings a week, it may be granted that the pension establishes a standard

¹ At least if the income is to be obtained without encroaching upon capital. The legal method of calculating income, however, after excluding from calculation the first £25, assesses the annual value of the next £375 of capital at one-twentieth of the capital value, but estimates the yearly value of property in excess of £400 at one-tenth of its capital value. Thus the actual capital sum qualifying for full pension is not £530, but £471, while that disqualifying for any pension at all is a capital of over £711-5-0, instead of £1,000. These calculations assume a normal capitalization of twenty times the annual value.

² In 1919 it was estimated that 78.5 per cent of all income receivers had incomes of under 61 shillings a week, while 62 per cent received incomes of less than 50 shillings a week. Cf. estimates quoted by Wedgwood, *The Economics of Inheritance*, p. 42. No estimates of individual income have been made since that date, but in view of the fall in prices the general level of incomes is likely to be even lower in 1930.

³ The sums paid by the Health and Unemployment Insurance Systems in the event of inability to work because of sickness or unemployment amount to but 15 shillings a week per insured worker—a sum which obviously needs supplementing.

⁴ Some confirmation of this view is found in the fact that roughly 77 per cent of the estates left by persons over 25 years of age are worth less than £100. Cf. Wedgwood, *op. cit.*, p. 45 *et seq.*

more than adequate to meet bare living needs. Two considerations must however be borne in mind before payments to this class become the basis of condemnation of the system. In the first place, the total cost of these pensions is not large: of the 63,004 pensions paid to this group in 1923 (the last year before the change in qualification referred to below came into force), 20,991, or roughly one-third, were for amounts less than four shillings a week. The remainder were at rates between five and eight shillings. In the second place, this extra charge is the price paid in order to retain the stimulus to saving.

This latter consideration applies also to the exemption of the first fifteen shillings weekly of saved income from the means calculation (allowed under the amending act of 1924). It cannot be denied that the payment of the full weekly pension of ten shillings to possessors of private incomes which might amount to as much as twenty-five shillings makes possible by state payment a degree of comfort unusually high among the working-class standards: the change must be regarded as evidence of excessive anxiety to avoid the charge that the pensions system discourages saving. But here too the numbers affected are small. In the first year after the passage of the act 53,896 persons, until then excluded, received pensions, while 55,576 persons receiving less than the full pension were raised to the maximum.¹ The unfavorableness of conditions for working-class saving also renders it unlikely that this concession will greatly increase the number of pensions in the future.

(c) Even if it could be shown that, in view of the necessity for safeguards against discouraging savings, the pensions system had not resulted in payments to any significant proportion of the "non-needy" aged, the system might yet be criticized on the ground that it has been cumbersome and costly to administer. This charge is in part answered by reference to Table V.

¹ Of these, 38,295 were previously drawing pensions varying between 5 and 8 shillings weekly, while 17,262 had been receiving between 1 and 4 shillings. (Answer to Question in the House of Commons, June 25, 1925.)

TABLE V ^a

COST OF ADMINISTRATION OF OLD AGE PENSIONS LEGISLATION

Year ending March 31	Total amount paid in pensions	Expenses of Pension Committees	Expenses of other departments	Total costs	Total costs as percentage of amount paid in pensions
	£		£		
1920	19,110,000	54,500	512,010	566,510	2.9
1921	25,087,000	65,333	708,051	773,484	3.0
1922	26,009,500	59,350	998,893	1,058,150 ^c	4.0
1923	22,362,000	54,000	810,270	864,270	3.8
1924	23,222,000	49,600	749,006	798,606	3.4
1925	24,904,000	66,200	756,642	822,842	3.3
1926	27,020,000	56,800	803,811	860,611	3.2
1927	29,983,000	51,400	877,000	928,400 ^b	3.1
1928	35,830,000	43,000	826,000	869,000 ^b	2.4
1929	47,829,000	42,000	820,000	862,000 ^b	1.9

^a The figures in this table are obtained from answers to questions in the House of Commons, given every year at the end of June or beginning of July. All the figures are approximate and relate to the United Kingdom up to 1923. From that year onwards they relate to Great Britain and Northern Ireland only.

^b The total amounts paid in pensions for these years include the pensions payable under or by virtue of the act of 1925. The costs of administering these additional pensions, however, cannot be estimated, as the Ministry of Health has no means of separating the costs of these pensions from the costs of the widows' and orphans' pensions also paid under that act. As stated above, however, the expenses of the Pensions Committee and of the Pensions Officers are likely to be less in future. Part of the cost of administering the act will in future fall on the approved societies assisting in the administration of the National Health Insurance Acts, who will be called upon to verify the claims of applicants to be contributors under these or the Contributory Act of 1925.

^c The higher cost for this year is probably due partly to the great fall in prices which called for a revision of pension rates, and partly to the transfer of part of the administration from the British authorities to those of the Irish Free State.

It will be seen that despite the several changes in the methods of calculating means and in the conditions of qualification which have been introduced since 1918, and which have, together with the sharp fall in prices, necessitated the reconsideration of many cases, the cost of administration has been as high as four per cent of the benefits paid in but one year, and has generally been nearer three per cent. It should also be remembered that any attempt to solve the problem of

old age poverty by public or private relief would inevitably involve as much or more detailed investigation of individual cases, a process which accounts for the major share of the administrative expenses of the old age pensions system. In relation to the magnitude of the problem, therefore, and in the absence of any agreed criterion by which to judge administrative costs, it may be suggested that from this technical administrative point of view the pensions system has not been an unduly expensive method of social amelioration. Moreover, the act of 1925, whereby ultimately the majority of pensioners will receive pensions without investigation into means, may be expected considerably to reduce the costs of administration.

(d) Finally, it may be argued that the large number of persons qualifying for the pension supplies the best possible evidence that the pension exerts an undesirable influence upon thrift; the certainty that the state will provide a pension discourages individual provision for the future. The facts do not support this contention. Had the anticipation of pensions reacted in this manner, as the existence of the pensions became more widely known, the proportion of the aged qualifying for the pension might have been expected to increase. Yet the increase in the numbers of pensioners in Great Britain between 1911 (the first full year of operation) and 1921 is a little *less* than the increase in the number of persons over seventy in this period.¹ Moreover the percentage of pensioners receiving the full maximum pension has remained almost constant from the first full year of operation.² Had the prospect of pensions operated as an incentive to improvidence, this proportion would have increased.

There is little doubt that the amount of saving by recipients of small incomes has increased during the period under consideration. The funds invested in industrial assurance, build-

¹ The number of pensioners in Great Britain increased from 705,678 to 829,262, an increase of 17.5 per cent, while the population over seventy increased from 1,224,600 to 1,473,582, or 20.3 per cent.

² The increase from 1925 onward is due to the higher income limit allowed by the act of 1924. Cf. Table I.

ing societies (house purchase associations), the post office savings bank and, since 1918, National Savings Certificates, all patronized largely by persons of small means, have shown a steady increase.¹ Moreover, witnesses representing friendly societies and bodies familiar with the administration of working-class savings organizations declared to the committee of 1919 that an assured pension would stimulate savings, and held that the average worker was discouraged from saving for old age because of the patent impossibility of ever accumulating enough to provide both against the normal risks of working-class life, and for complete support after earning power ceases. The existence of a pension had, it was claimed, translated the hope of independence of public and private charitable relief out of the realm of the impossible into that of the possible and made saving worth while.²

Conclusion

What, then, can be said for the British pensions system? At first sight it appears so confused, by the existence of different acts under which, or by virtue of which, pensions can be claimed and by the complicated methods of finance, that the application of the word "system" seems almost an irony. Yet, as it is hoped this paper has shown, the fundamentals prove on analysis to be relatively simple. They comprise a system of contributory pensions payable to insured persons between the ages of sixty-five and seventy, plus a system of non-contributory, state-financed pensions after that age paid without further question to those who have contributed for pensions between sixty-five and seventy, and to other persons only on proof of the possession of a low income. It is possible that had the

¹ Some figures showing these increases are collected in Appendix V of the Report of the Colwyn Committee (*Cmd. 2800* of 1927). Cf. also the careful estimates of Carr-Saunders and Caradog Jones, who conclude: "There is no evidence that the advent of state schemes has led to a slackening of individual effort to provide against the chances and changes of life." *Social Structure of England*, pp. 165-67.

² Evidence of Mr. Stuart Bunning, in Answers nos. 3047, 3050; Mr. Marlow, Secretary of the National Conference of Friendly Societies, Answers nos. 2777-8, 2780, and others.

contributory insurance technique been familiar in Great Britain in 1908 and the pension at sixty-five been introduced simultaneously with the pension at seventy, the whole system might have been placed on a unified contributory basis. It is doubtful, however, whether at the present time it would be possible for any government to take what would inevitably be regarded as the retrograde step of shifting to employers and workers a large part of the burden of the hitherto free pensions. This burden would at the present estimated cost of old-age pensions amount to a doubling of the weekly sums now paid under the existing pensions schemes for widows, orphans and persons between sixty-five and seventy, and would be bitterly opposed by employers and workers, who are already making heavy weekly payments for this and for health and unemployment insurance. Indeed, in this connection there is much to be said for the opinion expressed by Mr. J. M. Keynes¹ and long held by the Labour Party, that essential social services disturb the economic life of a community much less when they are financed out of general taxation than when they require what is in effect a tax on industry, imposing an unfair burden upon the employer who for technical reasons has a relatively large labor bill.

There are, moreover, some positive advantages of the pensions system as it now stands. It provides a method of financing pensions payable between sixty-five and seventy, where it might be difficult to justify state payment of the whole cost. By the twofold division of the recipients of free pensions at seventy it overcomes possible objections to an investigation of means in the case of all but a minority, for those receiving unconditional pensions are by definition those whose earnings during the working life have been low,² while at the same time the free pension is retained, subject to an income investigation as a method of dealing with cases of old-age destitution on the part of those not contributing under the acts of 1925-1929.

It has been shown in the course of this discussion that there

¹ *Political Quarterly*, January 1930, p. 110.

² I. e. contributors to the Contributory Pensions Acts, *cf. supra*, p. 196.

are in Great Britain almost a million aged persons with an income of less than one-third of the wage of an unskilled laborer. This is a problem of poverty of great magnitude which cannot be solved by refusing to recognize its existence. Unless the policy be adopted of allowing the aged destitute to starve, the cost of maintaining them is distributed over the community in one form or another. It may be passed on to relatives or friends or charitable agencies; it may be borne by the community as a whole. The problem is not how the cost can be avoided but merely how it can be distributed. It is submitted that whether the British pensions system be judged by its effectiveness (the extent to which it satisfies existing needs) or by its economy (the extent to which it avoids unnecessary payments or unduly high administrative costs) or by its social desirability (its influence upon individual initiative and the will to save) this method of attacking the problem of old-age dependency has proved its value.

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THE AGRICULTURAL POLICY OF FRANCE I

I

FRANCE has what may be called a maritime climate. Temperatures are not subject to rapid change, rainfall is gentle and well-distributed¹ with an annual average above thirty inches, and winters are mild with some sixty days of frost. This description fits best that half of the country which lies northwest of a line drawn from Champagne to the Basque region of the Pyrenees. The territory south-east of this line would include the Vosges, the Ardennes, the French Alps from Switzerland to the Mediterranean, and the *Massif Central*, and, being so broken and elevated, is much less important for agriculture than the seaward plains. The exceptions are the valley of the Rhone, narrow in the center but broad at its upper (*Plaine de Bourgogne*) and lower (*Plaine de Languedoc*) ends; the valleys tributary to the Seine (Oise, Marne, Yonne), and the *Bassin d'Aquitaine* which is drained by the Garonne.²

On the gently rolling lowland plain between the Alps and the Atlantic, in what is, on the whole, a favorable climate, and with fairly amenable soils, agriculture is carried on in ways long-settled and traditional, by a peasantry notably resistant to influences from outside; they are independent, yet willing, when a clear advantage is visible, to coöperate with immediate neighbors. There has been no great alteration in the system of land organization or in fundamental ways of tillage since the changes which coincided roughly with the Revolution. There went on, during the first half of the nineteenth century, more and more division of holdings among the children of peasants, until in 1892 about 40 per cent of the holdings were

¹ Except in some parts of Provence, notably along the Riviera coast.

² For a good short description in English with maps, see L. G. Michael, *Agricultural Survey of Europe: France*, U. S. Dept. of Agriculture, Technical Bulletin 37, February, 1928. An agricultural map of France is also to be found at the last page in M. G. Welter, *La France d'aujourd'hui*.

less than one hectare, 46 per cent were from one to 10 hectares, and only 12.5 per cent from 10 to 40 hectares.¹ These are the last good figures which exist; in 1908-9 the Ministry of Agriculture carried on a rather unsatisfactory investigation which was believed to show that the average size had decreased still further. If it may be assumed that the trend of centuries has not been reversed in a few decades, one of the difficulties of the French peasant is clear on the surface of things.² At any rate, these are facts—however rough—which establish one condition of policy.³

It is true, on the whole, to say that France is a land of small farms, carefully tended, with a maximum expenditure of human effort and with a minimum of assistance from machines or even from draft animals or beasts of burden. Peasant proprietors of this sort develop ways of getting the most out of little and maintain their rule-of-thumb methods for generations; they do not easily adapt themselves to the requirements of a new technique, involving large initial outlays of capital, reorganization of the field system, and other similar changes. And the reason lies only partly in the peasant's own resistance to change; this element in the situation is easy to exaggerate.

¹ A hectare is 2.47 acres. Roughly, then, more than 85 per cent were below 25 acres.

² Cf. G. Welter, *op. cit.*, pp. 24 *et seq.*

³ There are two mitigating circumstances by which these figures ought to be refined. In lower Provence, the terraced mountain sides are necessarily divided into extremely small holdings, since on such terrain even animals are usually not employed to assist in working the land. It is not unusual for a peasant family to spend the whole of the open winters in preparing surfaces with hand tools for spring planting. Strict costing would probably show most of this land to be yielding less than the cost of production, a condition of affairs which can persist only by the peasant's acquiescence in a standard of living which, by American standards, is incredibly low. Also, it must be remembered, much of France is given over to garden cultivation of an extremely intensive variety in which the size of the holding is necessarily small. But even if these allowances be made, the holdings of average size in the farming regions, as over against the horticultural districts, still are probably not so large as those in comparable regions of the United States. There are in the North and West, especially in the region just north of Paris, many large proprietors on whose lands can be seen the most advanced types of intensive, large-scale cultivation, but these are so few that they can be ignored in an assessment of French practice as a whole.

large as that of the United States France succeeds in raising within a territory one-fourteenth as large nearly enough food to supply all her domestic requirements; and not only enough, but of the major sorts on which she depends.¹ This is a situation which economists with a world-wide orientation may deplore; but it is a cardinal policy in France. In this respect there is no disposition at all to change; there is rather a pride in what has been done so far and a determination to become even more self-sufficient.²

The policy of the government is set, as it were, in a matrix of such physical facts and historic trends; and the impulses to a revolution in technique are much weaker than those to conservation of a traditional type of culture. A large proportion of small proprietors, land intensively used, a rural civilization relatively unchanging from one decade to another, products of a varied sort calculated to make the nation as nearly as may be independent—these are not only facts; they are matters for pride. As new knowledge is made available and new processes are developed, there cannot be complete immunity. But what is new is not welcomed; there is hesitation and scrutiny to discover whether what is suggested can be made to fit into the old scheme without great disturbance; it must be assimilated. So, for instance, the coöperative movement has grown into the rural economy slowly. It has made no obvious surface differences which are apparent to the eye. And so evolution in the types of cultures used has come slowly; cereals have decreased in acreage, but not so rapidly as to threaten a shortage of domestic supplies for bread. Even now it is only in poor wheat years that resort is had to importation; for the rise in yields per hectare has kept the total size of the crop constant—or nearly so, with normal variations.³

¹ In times of peace. National emergency has always made heavy demands on the peasant population, cut down agricultural production and caused resort to imports.

² For a further discussion of this see M. Auge-Laribe, *L'Agriculture pendant la guerre*, especially the introduction.

³ The average acreage in 1881-1890 was 17,216,000. It had been about this since 1860. There was a gradual falling off to 13,872,000 in 1925, about the figure for the years preceding and since (excluding the period of the War).

And there has been a very gradual turning to the more intensive cultures such as roots, garden crops and animal husbandry, especially this last.¹

Everywhere in the literature which has to do with French farming—and it is immense—there is insistent stress on the idea that agriculture is an art and is to be valued as such, that peasant life has moral qualities the nation cannot afford to ignore or to lose,² and that the occupation of the peasant is a

During this time there was little general change in production. For the decade 1861-70, the average was 272,338,000 bushels. For 1909-13 the average was 325,644,000 bushels; that for 1919 was 253,274,000 bushels; the production in 1925 was 330,338,000 bushels. The contrast was, if anything, in favor of the later period. These figures are from official sources, apparently the same as were used in Mr. Michael's survey already referred to. It may be just as well, however, to state flatly that no official figures for French agriculture are to be trusted in detail. It is hoped to remedy this situation by a complete inventory in 1930, the period set for the world census by the International Institute of Agriculture. In the meantime official reports have to be checked by local observation and by statistics from private sources. The generally used official sources for such figures are the *Annuaire statistique* of the *Ministère du Travail*, the *Bulletin de la statistique générale de la France* of the same ministry and the *Statistique agricole* of the *Ministère de l'Agriculture*.

¹ It is interesting that the most advanced phase of agriculture should exhibit a return to animal husbandry, which characterized its primitive phase. It is not the same thing in both cases, however. Cattle are bred not only for their meat, but for their milk, from which the high-priced butters and cheeses of France are made; and breeding is much more carefully done. Fields, moreover, are not necessarily returned to wild grasses, but are also planted to highly productive forage crops.

² "Songeons d'abord à fortifier chez nos paysans les hautes qualités morales qui ont été fréquentes chez leurs ancêtres, à conserver en eux l'amour de la terre, seul force capable de les retenir dans un métier toujours pénible, souvent ingrat, et dont les caractères fortement trempés savent seuls apprécier les plaisirs austères." M. Auge-Laribe, *Les Cahiers du redressement français*, p. 12. There is no national literature more thoroughly infused with the appreciation of rural life and with the love of the soil itself than that of France. Every region, almost every locality, has its literary celebrant. Some of them are nationally known for other reasons; but Daudet, for instance, is as well known for *Lettres de mon moulin* as for any of his other works. Montaigne was as fond of drawing illustrations from his garden as from the classics. Everyone knows Mistral's debt to Provence; but even more interesting are some books almost unknown outside France, such as Joseph de Pesquidoux's *Chez nous: Travaux et jeux rustiques*, Charles Silvestre's *Le Voyage rustique*, Charles Maurras' *L'Étang de Berre* or Jean-Louis Vaudoyer's *Beautés de la Provence*. There are literally hundreds of others. The rural arts, indeed, seem to occupy a place in the national esteem which is somewhat comparable to that which we

dignified way of life worthy of respect among others. The peasant home and the land are thought of as something to be worked for and preserved, ends in themselves, rather than instruments by which to rise to a higher estate in the world; and even statesmen talk in these terms as often as in terms of an exploitable occupation which owes food and other raw materials to the nation.¹ One who fails to see this cannot possibly understand the tendencies of French policy. To strengthen the rural home, to guard the peasant holding against violent change, to preserve the traditional agricultural arts, are as much national aims as is the supply of *matériel*. Perhaps, however, a distinction ought to be made between this literary and sentimental attitude and that which is to be found among those harder-headed persons who would be classed as agricultural experts. It might be gathered from literature that the backwardness of rural life is in itself desirable, because each physical embodiment of the old tradition encloses some part of the spirit which is so precious; those who have a more practical point of view evidently think it possible to make progress without serious sacrifice. These are gradually making headway against stubborn sentiment. Housing, for instance, is undoubtedly picturesque; but the usual rural home of France is, outside its picturesqueness, a serious menace to health and morale. There is a growing belief that something ought to be done, even if with care to preserve the amenities, for the correction of the worst of these difficulties.² There is

reserve for sports. There is no doubt that this sentiment for the soil and for what is traditional in man's relation to it significantly tempers the policy of the government. Reference here may be made to a general bibliography of the greatest interest to the student of social movements in France during the last century: *Bibliographie des sciences juridiques, politiques, économiques et sociales*, by A. Grandin, 1926, with two supplements, 1928 and 1929.

¹ Perhaps it might be noted that any substantial change in the balance of rural as against urban population means a change in potential military strength. The peasantry has always been the backbone of the army. Resistance to the depopulation of the countryside may owe something to recognition of this problem.

² "Les cultivateurs sont encore peu sensibles aux imperfections de leurs vieilles mesures. Les jeunes femmes en souffrent davantage et, si elle demandent à partir pour la ville, c'est beaucoup parce que la maison est misérable, sans eau,

talk, but little action, so far as the housing situation is concerned. More has been done in some other directions, as we shall have occasion to see later. The communications services of the state are being extended,¹ electric light and power are being made available,² and something is being done toward bringing some of the city amusements into the country.³

There is, then, not an impregnable determination to reject all that is new and to keep all that is old. But there is a desire to temper progress to the genius of France's rural traditions. M. Auge-Laribe, in discussing some of the disadvantages of rural as against urban life, expresses this very clearly :

We may set down one first principle: industrial development ought not, with us, to be pursued at the expense of agriculture. We have always been essentially an agricultural country. We ought not to attempt to become a country essentially industrial. All the productive forces, all the natural dispositions, so numerous and varied, of France, would be difficult to use, if accidental and temporary circumstances were allowed to lead us into one profession to the exclusion of others. Our future and our tradition alike demand that we furnish to the world the example of a wise and harmonious balance. To ruin the culture of the soil for the purpose of making France over into an industrial nation—that would be folly.⁴

sans lumière, et qu'il semble, aux jours pluvieux de l'automne, s'enliser dans la boue noire et puante. L'homme comprend mal les plaintes qu'on lui adresse parce qu'il est tout le jour dehors." So writes M. Auge-Laribe, one of the ablest commentators on French agriculture, and, by reason of personality and official position, one of the most influential of contemporary statesmen. *Les Cahiers du redressement français*, no. 5, "L'Agriculture".

¹ *Ibid.*

² M. Bitouzet, "L'Électricité en agriculture", *ibid.*

³ Budget Report, No. 4886, Chambre des Députés, 1927, p. 13.

⁴ *Les Cahiers du redressement français*, p. 2. It cannot be too often insisted that agriculture is a matter of almost universal and jealous interest everywhere in France. There is an Academy of Agriculture, which functions as do the other learned bodies. There are very old associations, such as the Société Nationale d'Encouragement pour l'Agriculture and the Société des Agriculteurs de France. There is a Syndicat Central des Agriculteurs de France. There are many departmental and regional societies of a like sort. These have frequent meetings; and there is an annual Congress of Agricultural Associations. Agriculture is represented on the National Economic Council. Among the more

II

In a situation such as has been described it is difficult to discover a set of stated intentions by which the results of any given period of policy can be measured. Yet France, like other countries, had a period of high hopes just after the war when it was thought that something of genuine importance might be done to strengthen agriculture as well as industry. Even before the war had ended, on March 15, 1918, there was presented to the Chamber of Deputies a report which was received as something in the nature of a guiding chart for the years to come. It was mostly interested in industry; but some references were made to agriculture. These are translated here. It would be desirable, it was said, to:

1. Modernize equipment, standardize types of tools, and improve technique and commercial organization, for the purpose of lowering the price of these necessary aids to industry and agriculture.
2. Induce the wider use of the new methods which had been introduced and had proved their worth in the war experience.
3. Spread technical information more widely and freely and improve apprenticeship.
4. Consolidate as much as possible the interests of employers and workers.
5. Develop further all means of transport and reduce their cost.

important journals there are: *La France Rurale*, *La Revue des Agriculteurs de France*, *La Grande Revue Agricole*, *Journal d'Agriculture Pratique*, *Le Bulletin Agricole*, *Le Petit Journal Agricole*, and others, including many small local papers of predominantly agricultural interest. All this mass of opinion and information from those who care, either sentimentally or for economic reasons, or both, what happens to agriculture, makes for constant concern on the part of the government. The agricultural budget is one of those which are most carefully prepared and most earnestly discussed in the Chamber. The budget report for agriculture alone, in 1926, ran to 233 pages; and that for 1927 ran to 304 pages. Subtraction of the discussions on agricultural matters from the *Journal Officiel* would reduce its bulk considerably. There are those who would say that France has no agricultural policy. It is impossible to conclude this; it is truer to say that agricultural points of view infuse all other matters. Policy does not have to be wise or forward-looking to be policy.

6. Aid, by reducing imports, the domestic production of those products which now come from abroad.
7. Make immediate use of water-power resources.
8. Make available to farmers all the machines and tools and all the fertilizer which may be needed to bring the soil up to its maximum producing strength.
9. Make the nation self-supporting; and exploit, to their greatest possible extent, available foreign markets.

The ideas represented by these statements were prevalent in France at the end of the war. It was a time when customary procedures were at their weakest and when even the skeptically inclined were, for once, persuaded that great things might be made to happen. And, besides, the obvious lessons of industrial and agricultural experience during the war were not to be ignored. French self-sufficiency in the matter of food supplies had, under stress, proved to be largely mythical; and French manufacturing practice had clearly displayed its backwardness. There was shown, in industry, a fine sense of workmanship and an ability to make a few things beautifully to individual pattern; this was traditional. But war in the modern manner had intensified the trend in other countries toward the mass production of standardized goods. For industrial products as well as food France had suffered the humiliation of having to depend on outside sources. Only mass production could meet the destructive demands of war; it began, also, to be suspected that it would have to be depended on in peace. Something of the same sort was seen to be true of agriculture as well as industry. The more comprehensively planned farming effort in the countries to the north and east of France was amply shown to be superior to hand work, individually directed. The mere survival of the Central Powers through the years of the blockade was an object lesson. It was especially bitter to the French who had valued so highly their self-sufficiency and the nice balance between rural and urban occupations. Germany had come close to discovering what France had always talked about as peculiarly hers; and France had proved to be pitifully dependent in a crisis.

Out of the general disturbance of traditional ideas from the impact of the hard lessons, a variety of new policies might have been elaborated. Statesmen might have judged it futile to continue to follow the will-o'-the-wisp of self-sufficiency in all things. It might have been argued that France had a genius for specialty operations, both in manufacturing and in agriculture, and that social policy ought to be directed toward developing these and exchanging their products in world markets for such mass-manufacturing products as cheap automobiles or such primitive agricultural goods as breadstuffs. There would have been good argument for this policy. Statesmen might have held that France was a relatively small nation with a stable or decreasing population and with a valuable tradition of workmanship—a whole civilization, in fact, which the world acknowledged as fine. It might, consequently, have been thought more worth while to preserve this than to chance competition with America and Germany in ways determined by their standards. To pattern France on them was to risk much under severe handicaps: late start, limited raw material resources, and ill-adapted industrial and agricultural organization. The program of the post-war years was, however, conceived, as we have seen, in almost precisely antithetical terms. It might quite as well have been written for America as for France.

Some points in the program seem to indicate peculiarities in policy which it will be interesting to follow in a résumé of post-war behavior. Omissions are as significant as inclusions. There is no mention, for instance, of any unusual disturbance in agriculture. The world-wide depression in that industry did not become acute, as a matter of fact, until later on, and it was not foreseen in France any more than it was elsewhere. There was not an immediately pressing problem, or any likelihood that one would develop; there was only a general conviction that somehow French farming had fallen behind in spite of the traditional steadiness of the French peasant and the careful quality of his produce. There is no mention of a need for controlled prices, of general marketing supervision, or, indeed, of any state interference in the minute direction of pro-

duction. There is a prevailing optimism, a faith in traditional methods, modified only by the necessity of strengthening all along the line—in agriculture as well as in other industries. But it will be noticed that the ancient bias in favor of a rounded self-sufficiency comes out clearly. The method for achieving it is referred to also. It is the reduction of imports by the use of protective tariffs, the conservation of the home market for domestic producers. Only in a general sense were means other than tariffs thought of. Research and technical advice were to be intensified, transportation and marketing were to be regularized somehow so that their costs might be lowered; water-power was to be developed and the electrification of the country was to be attempted. Equipment and organization were to be improved and the soil made more productive by the generous use of fertilizers. These items, if a determined effort were made to effect them, might conceivably call for vast governmental activities and the use of huge funds. But no one took them in any such way. Everyone knew that the traditional rôle of the government in industrial affairs was not to be changed. All that the statement really meant, then, was that such ends were considered desirable, but that the government would use only the ordinary means at its disposal toward carrying them out. That such was the intention becomes increasingly clear in the light of the steps subsequently taken.

As time went on, there was to be discovered a vast difference between the efforts of reconstruction for agriculture and those for industry. This was partly due to the fact that the war had affected industry much more than it had agriculture. Perhaps two-fifths of French manufactures had formerly come from the devastated regions; important new territories were acquired where production was thoroughly Germanized; furthermore, industrial establishments, even in the remote and scattered factory districts of the center and the south, had to be readapted somehow to the making of peacetime goods. In short, drastic changes of some kind were necessary if industry were to proceed at all, particularly in the devastated regions. Reconstruction along modern lines could, therefore, be initiated with comparative ease. But no such differences be-

tween war and peace existed in farming. The peasants could pick up their old tools and go on working as before. As a consequence the rationalization of agriculture presented far more serious difficulties than the rationalization of industry.

It is often said that French policy is dominated by the peasants. This is true in the sense that the opinions of rural constituents are usually influential on parliamentary representatives;¹ but peasants, no less than others, can be inept in shaping national affairs to their own advantage. It was never intended by the peasants, nor by any one else, to reconstruct agriculture as industry was to be reconstructed. It might seem so from the publications of agricultural leaders, but actual performance suggests the reverse—the peasants simply wanted more of what they already had achieved. They were not dissatisfied with themselves as the industrialists were; nor, for a considerable period after the war, were they dissatisfied with the returns from their occupation. In fact, except for a vague discontent here and there, the need for reconstruction in agriculture was scarcely recognized. Attention was rather concentrated on the revolution in industry and the new policies demanded by its transformation. It was all very well to say that agriculture needed strengthening; but it was quite another thing to find support for the activities which would be required for carrying out any extensive program, especially with national budgets so burdened by war expenses as were those of France.

The general policies for agriculture which were cheered in the Chamber in 1918 were not followed by any serious attempts to put them into effect. It is only fair to suggest that this failure may have been due to the significant contrast in position between post-war industry and agriculture which has been mentioned, coupled with the severe exigencies in the making of each annual budget—at least up to 1930. Funds scarcely sufficed to keep up the old services, to say nothing of assuming new ones. Industry could be rebuilt by reparation arrangements, and by the use of abnormal profits piled up during the

¹ Serious reservations are beginning to be necessary. Industrialists must be said, at present, to be rather more respectfully treated than are the peasants.

war, without direct recourse to the national treasury. Agriculture was not so fortunate. Intentions, however wise, had slim results, so slim that in 1927, again, M. Queuille (the then minister of agriculture) published a new and carefully prepared comprehensive program covering nearly the same points as that of 1918. If the activities contemplated in the program of 1918 had been under way nine years later, such a new pronouncement, suggesting a reconstruction fund of a billion francs, would not have been necessary.¹

The apportionment of the billion francs which it was proposed to make available over and above the ordinary budget reveals, again, something of intentions. One half was to be devoted to research, education and propaganda; the other half was to assist in modernizing production and the marketing services. Specifically, this latter share was to be used:

1. For buying agricultural machinery to be used collectively, such as threshers, harvesters, graders, tractors, cultivators, presses, etc.; concentrated foods for animals; breeding stock, etc.

¹ *Journal Officiel*, 24 March 1927. This report of M. Queuille was submitted to the Conseil National Économique. In the *Journal Officiel* for 15 September 1927 (pp. 824 *et seq.*) there is printed a memorandum presented by the secretary-general of the *Confédération Nationale des Associations Agricoles* supporting this program. This memorandum, prepared by M. Auge-Laribe, is an excellent argument in detail for enlarging national expenditures on agriculture. There is, in the same number (p. 827), the comment of the Conseil National Économique on these proposals. Its first two paragraphs are as follows: "The National Economic Council has taken cognizance of the program for the intensification of agriculture upon which the minister of agriculture has asked its opinion. The Council gives its complete assent to the establishment of a total program the realization of which would have the happiest consequences for the prosperity of farmers, for the betterment of conditions in the food services, and for national economic life. The means proposed, it seems to the Council, ought to be approved. But it is feared that the financial resources now within view will scarcely be sufficient for complete realization. Considering that the expense necessary to the enlarging of production among the smaller cultivators would have, with little delay, the happiest national consequences, the Council hopes that a considerable financial effort will be made to hasten this realization." It then goes on to argue for more attention to wheat-growing, for better education in agriculture, and especially for an entente between consumers' and producers' coöperatives, to which end it urges immediate legislative assistance.

2. For the establishment of nurseries for forest and fruit trees, ornamental shrubs, etc.
3. For the organization of grading services for milk and butter.
4. For the reorganization of meat marketing by the building of model regional abattoirs, by the improvement of transport, and by the storage of slaughtered meat.
5. For the reforestation of hilly and other unproductive terrains, and for all agricultural improvements of a public nature.

Loans were to be made to available collectives—syndicates or coöperatives—with the expectation of repayment within ten years; interest was to be at the reasonable rate of four per cent. This proposal for an extraordinary effort toward reconstruction was not passed by the Chamber. It did not then seem—nor has it since seemed—possible. Its provisions do serve, however, to indicate something of intentions and of the means considered to be within the ordinary range of governmental activity.

The projected use of the other half of this billion has a similar significance. It shows what informed persons would like to see done. These millions were to be “devoted to the development or starting of research projects, scientific and educational; and of projects for popularizing agricultural knowledge”:

1. For the training of agricultural experts to the extent of at least one per canton.
2. For the installation of laboratories where cultivators may obtain free analyses of soils, fertilizers, feeds, wines, milk and other products.
3. For the setting up of demonstration farms to the extent of at least one per canton.
4. For improved experimental farms where projects for improving soils, animals or plants can be carried out as well as the struggle against diseases of animals and plants.
5. For the creation of breeding farms for furnishing pure-bred stock to the farmers of each region.

6. For the organization of annual excursions, in which cultivators designated by their syndicate may take part.

7. For the organization of study trips in urban centers for the benefit of the younger farmers; and, for remote regions, the organization of educative and recreative meetings with the assistance of qualified lecturers and artists. Subventions are to be provided for communes and syndicates in which it is wished to provide facilities for lectures and recreation.

8. For greatly increasing the subventions of the large centers of research in or attached to the establishments of higher study in agriculture.

9. For putting one chosen farm in each canton into a perfect state of production, of sanitation and of agreeableness.

10. For the foundation of a great organ of information and popularization intended to instruct, to inform and to divert the inhabitants of the countryside.¹

It would be a mistake to take this or any other such statement too seriously. There is this about it, however, which is significant: the parliamentary discussions—and those in the press as well—made it clear that the objections which prevented its adoption had their origin not so much in a lack of interest in agricultural progress, or even in dissatisfaction with the remedies suggested, as in a feeling that the budget could bear no more. There was no chance of issuing bonds for any such purpose with the hope that the productivity of the project would enable them to be met at maturity out of profits. Agricultural progress is too diffused, if not too slow, to make such a hope legitimate. It was felt that even loans to coöperatives, intended for maturity at the end of a decade, and for specially defined purposes, were a serious risk to assume if their non-payment might in any way threaten loss to the treasury. Investment in such developmental enterprises, though informed persons are convinced of their necessity and of their ultimate productivity, are not likely to be undertaken by a nation already in severe financial straits. It was this feeling which prevented France from entering on serious agricultural reconstruction in 1928; and the budget for 1929 was

¹ Document No. 4886, Chambre des Députés, 1927, pp. 12 *et seq.*

adopted under such peculiar political difficulties¹ as to make it seem unwise to risk the slightest criticism on the ground of extravagance.

In 1928, M. Queuille recognized the financial difficulties, yet he saw with despair that farming in France was not progressing as it was in neighboring nations. His proposal for a great effort was perhaps not expected to succeed; but it did at least call the agricultural situation forcefully to public attention. The budget report for 1928 looked backward and forward in asking for its billion francs, and said:

It is with great melancholy that we realize how much time is required for translation into legislative action of the generous sentiments manifested by the deliberative assemblies. We are a country of hardy conception and impatient imagination. No anticipation shocks us. We admit the principle of profound transformations in method or arrangement. But, before these pass into execution, we find, with marvelous facility, clouds of reasons—each one of which would be sufficient—for retarding indefinitely the experiences which we claim to desire imperiously.

This may or may not have been a just estimate of the French character; it was at least prophetic, for no credits of an extraordinary nature were allowed.²

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¹ The government was actually forced to resign at one stage of the budget debates; and pressure was so great all through that extreme caution was exercised.

² This article will be continued in a future issue of the *QUARTERLY*.—Ed.

THE RECRUDESCENCE OF THE MONROE DOCTRINE

DURING the years preceding the outbreak of the World War there were signs which seemed to indicate that the Monroe Doctrine was tending to become obsolescent. For some time there had been little discussion of it¹ and few occasions for asserting or invoking its authority.² American patriots were not lacking who believed and hoped that since it had accomplished the objects for which it was enunciated, and since there was, so far as one could predict, little likelihood that its validity would ever again be challenged by any European or Asiatic Power, it was destined to pass into the limbo of a well-earned repose. This "era of good feeling", however, proved to be of short duration. Those who had hoped that the Monroe Doctrine was finished and that we would hear no more of it were destined to experience an almost rude disillusionment.

The years that have elapsed since the close of the war have seen a revival of discussion of it, a vigorous reassertion of its

¹ Except the flurry caused by the speech of Ambassador Walter H. Page in London on March 11, 1914, in the course of which he remarked in a half-humorous way that "the United States *prefers* that no land in the new world should be acquired by any European government." The language employed by the ambassador was seized upon by the anti-British element in the United States and construed as an intimation that we might not object in certain circumstances to the further acquisition by European Powers of territory on the Western Hemisphere. The Senate promptly passed a resolution calling on the secretary of state for a stenographic copy of the speech, which was duly furnished. The tempest in a teapot which the speech aroused subsided with its publication in the American press. Text of the speech in the *Congressional Record* for March 25, 1914 (63d Cong., 2d Ses., vol. LI, p. 5789). See also Hendrik, *Life and Letters of Walter H. Page*, vol. III, p. 258, for details of the incident.

² An exception of course was the Magdalena Bay resolution adopted by the Senate in 1912. During the World War there was also some discussion of the question whether a German invasion of Canada would be contrary to the Monroe Doctrine, a question upon which there was a division of opinion among those who discussed it.

vitality and a succession of demands—most of them crowned with success—that the rest of the world should give formal and positive recognition of its validity in the international peace pacts and treaties of arbitration to which the United States was a party. Parallel with this development there has been a disposition to extend its scope to justify acts of intervention by the United States in Latin America and by means of it to reinforce the doctrine of the “moral mandate” of the North American republic to maintain peace and order in the turbulent countries of the Caribbean Sea and Central America. At the same time, the negative side of the Monroe Doctrine—the corollary of American non-intervention in the political affairs of Europe¹—has been relied upon by the American government since the war as a justification or excuse for its policy of non-participation in the affairs of the world and its hesitation to coöperate in full measure with the other nations in common undertakings for the advancement of the cause of the general peace.² As is well known, one of the reasons for senatorial opposition to our entrance into the League of Nations was that, as Senator Lodge alleged, it would mean a surrender of the Monroe Doctrine³ or, as Senator Borah put it, our ratification of the Covenant would be “an invitation to all the nations of Europe to fight us because we refused to submit the Monroe Doctrine to a tribunal or refused to give it up.”⁴ During the long debate on the question of the adherence of the United States to the protocol of the Permanent Court of International Justice, the shadow of Monroeism hung always over the Senate. Senators feared or professed to fear

¹ This corollary was stated in the reservation of the Senate to the World Court protocol, January 27, 1926, as one which forbids the United States from “intruding upon, interfering with or entangling itself in the political questions of policy or internal administration of any foreign state.” Query: Is this really the traditional policy of the United States in respect to the states of Latin America?

² As to this see Garner, *American Foreign Policies*, pp. 133 *et seq.* See also Whitton, “L’Isolement des États Unis, principe caduc de la doctrine de Monroe”, *Rev. Gén. de Droit Int. Pub.*, 3d ser., t. I (1927), pp. 45 *et seq.*

³ Address of August 12, 1919, in the Senate. Lodge, *The Senate and the League of Nations*, pp. 380 *et seq.*

⁴ Address of December 6, 1919.

that in some way which they could not satisfactorily explain, American membership in the Court might involve the impairment of the right of the United States to be the sole judge and guarantor of the Monroe Doctrine, and the reservation with which the Senate finally gave its advice and consent, namely that the adherence of the United States should not be construed to imply a relinquishment of its "traditional attitude toward purely American questions", was not enough to remove the susceptibilities of some senators.

The post-war reassertions of the Monroe Doctrine appear to be based on the view that it can never become obsolete, that, indeed, it must not be allowed to sink into oblivion, that its vitality must be constantly affirmed and reaffirmed, and that the other nations must recognize it formally and solemnly in the multilateral conventions and even bilateral treaties of arbitration which they conclude with us, if indeed they do not render it the high homage to which some Americans believe it entitled in virtue of its majesty as an "institution" which, in the language of a Tammany orator, "has blessed and revived the world"! This sentiment found its first expression after the war in the popular demand that the Covenant of the proposed League of Nations should contain a clause expressly mentioning it by name and recognizing its validity, if not as embodying a rule of international law, as enunciating at least a principle of American foreign policy of which the United States was unwilling to surrender a jot or tittle if it became a member of the League.

When the first draft of the Covenant, containing no reference to the Monroe Doctrine, was published in the United States, President Wilson was given to understand, in terms which he could not mistake, that without some provision intended to safeguard the Monroe Doctrine the Covenant would probably not be acceptable to the Senate.¹ On March 18 when

¹ See the letter of Senator Hitchcock to the President dated March 4, 1919 (Baker, *Woodrow Wilson and World Settlement*, vol. III, doc. 19), in which he suggested, among others, a "reservation of the Monroe doctrine" as "likely to influence votes". Cf. Mr. Taft's telegram of March 18 suggesting a similar reservation, and a dispatch in the same month from Mr. Lamont containing a summary of Mr. Root's views. Miller, *The Drafting of the Covenant*, vol. I,

proposed changes in the draft were being discussed, the Monroe Doctrine was mentioned casually, when the President alluded to the fact that it had never been defined and that the Senate did not want it defined. It was finally agreed at this meeting that it would be impossible to put into the Covenant a reservation of the Monroe Doctrine without a similar reservation of an Asiatic doctrine for the Japanese, which would arouse the opposition of China.¹ At a meeting of the commission on April 11, however, President Wilson, feeling apparently little enthusiasm but yielding to the pressure from home, proposed the amendment which finally became Article 21. This article declares that "nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace." The proposal was opposed by various members of the commission, especially the French members, who maintained that any specific mention of the Monroe Doctrine in the Covenant was not only unnecessary but distinctly out of place. Lloyd George also opposed the proposal, first, because the British would be inclined to regard it as a concession to America, and second, because there was no place in the Covenant for specific reference to the foreign policy of a particular country which was applicable to only one part of the world. President Wilson defended the inclusion of a reference to the doctrine as being nothing more than a recognition of the fact that it was not inconsistent with the terms of the Covenant, to which one of the French members replied that if it was not inconsistent with the Covenant, there seemed

pp. 276, 279, 298, and Baker, *op. cit.*, vol. I, p. 324. On April 13 Mr. Taft and President Lowell sent him a cablegram saying that friends of the Covenant were seriously alarmed over the report that no amendment would be made "more specifically safeguarding the Monroe Doctrine", and adding that at a meeting of the executive committee of the League to Enforce Peace, with thirty members from eighteen states present, the unanimous opinion was expressed that without such an amendment, the Republican senators would defeat ratification and that they would be sustained by public opinion. Baker, *op. cit.*, vol. I, p. 325.

¹ Miller, *op. cit.*, vol. I, pp. 295, 336.

to be no necessity for referring to it.¹ The opposition to the clause was not confined to the members of the commission which drafted it. Ex-President Bonilla of Honduras, delegate from that country, protested against it for the reason that it did not undertake to define the Monroe Doctrine and that consequently the nations which ratified the Covenant would be put in the position of sanctioning the validity of any policy upon which the United States might at any time choose to place the mantle of the illustrious President whose name it bore.² The government of Mexico went to the length of notifying all the Powers represented at the Peace Conference that it had never recognized and would not recognize the Monroe Doctrine, and it added that the sanctioning of it in an international convention would "set up and establish a tutelage of the United States over all the other nations of America".³ Partly for this reason, Mexico has never joined the League. All the other Latin-American republics, however, except Ecuador, waived whatever objections they may have had to this or other provisions and became members of the League, although Brazil and Costa Rica subsequently withdrew. The protective advantages which the League seemed to offer them and the prospect of a certain prestige which would come from their participation, on a footing of equality with the European nations, in world affairs through the League organization, made a special appeal to the smaller Latin-American countries. Some of them were clearly reluctant, however, to ratify an international pact containing a formal recognition of the

¹ *Ibid.*, pp. 337, 442-47. The President at the final meeting of the commission stated that "the whole object of this mentioning of the Monroe Doctrine is to relieve a state of mind on the other side of the water; relieve the minds of certain conscientious public men in the United States who want to be assured that there is no intention in this League to interfere with the doctrine". *Ibid.*, p. 459.

² Text of Bonilla's remarks in Inman, *Problems in Pan Americanism*, pp. 182-83. See also the *New York Times*, June 14, 1919, and Scelle, *Le Pacte des nations*, p. 358.

³ Thomas, *One Hundred Years of the Monroe Doctrine*, p. 395, and Blakeslee, *The Recent Foreign Policy of the United States*, p. 87. See also Whitton, "La Doctrine de Monroe et la Société des Nations", *Rev. de Droit Int. et de Lég. Comparée*, 3d ser., t. VIII (1927), pp. 567 *et seq.*, who declares that Article 21 created throughout Latin America the "greatest consternation".

validity of a particular foreign policy of the United States which, they asserted, was as elastic as gutta-percha and which might be interpreted by the United States at any time to justify North American imperialism, interventions in their internal affairs and a general hegemony of the United States over the weaker Latin-American republics. In these circumstances the government of Salvador, before ratifying the Covenant, undertook to obtain from the government of the United States a more precise definition of the thing which Article 21 of the Covenant referred to as the "Monroe Doctrine". It accordingly addressed a communication in December, 1919, to the Department of State, requesting it "to be good enough to give an authentic interpretation of the Monroe Doctrine as it is understood at the present historical moment and as to its future application by the United States." Such an interpretation, it was added, was desirable "not only for the development of the lofty purpose of Pan-Americanism, but in order that the doctrine may maintain its original purity and prestige." To this communication the Department returned a reply in which it merely referred the Salvadorean government to the pronouncements of various presidents of the United States, and particularly to the address of President Wilson before the Second Pan-American Scientific Congress in January, 1916, in which he asserted that "the Monroe Doctrine was proclaimed by the United States on her own authority" and that "it has always been maintained and always will be maintained upon her own responsibility."¹

In 1928, Costa Rica, which had joined the League but had

¹ See the *New York Times*, Dec. 22, 1919, March 2, 1920, and March 9, 1920. Many have regretted that the President should have felt called upon to make the assertion contained in the latter part of the statement quoted. It hardly seems consistent with his fine pronouncement on Pan-Americanism in his address to Congress of December 7, 1915, in which he declared that there was no thought in our minds of "a claim of guardianship, but, instead, a free and honorable association as of partners between ourselves and our neighbors, in the interest of all America, North and South." This address struck a responsive chord in the hearts of South Americans and aroused high hopes that we were ready to make the Monroe Doctrine a partnership affair. See the résumé of Latin-American press opinion by W. S. Robertson in *The Nation* of June 15, 1918, pp. 703-705.

subsequently withdrawn, being convinced as a result of the failure of Salvador's efforts that it would be useless to endeavor to secure from the United States a more precise and definite statement of the Monroe Doctrine, addressed itself to the Council of the League of Nations in the hope of obtaining a pronouncement from that body of what in its opinion was the scope and meaning of the doctrine which had received the sanction of Article 21 of the Covenant. The request was made in response to an appeal addressed by the Council of the League to Costa Rica to return to the League, and it was supported by the Colombian representative on the Council. But the Council declined to comply with the request on the ground that it had no jurisdiction to interpret the Covenant, that power belonging solely to the Assembly. Furthermore, assuming the Monroe Doctrine to be a unilateral policy of the United States, the government of that country alone was competent to interpret it. The Council, however, in its reply added by way of a certain assurance to Costa Rica that Article 21 of the Covenant did not recognize the Monroe Doctrine as having any meaning or validity which it did not previously possess; that is to say, the sanction of the Covenant would not cover subsequent extensions of the doctrine through interpretations or constructions by the government of the United States, which might render it inconsistent with the Covenant. The Council also pointed out that at the time President Wilson requested the Peace Conference to give its sanction to the Monroe Doctrine, a Brazilian delegate proposed that Article 21 should be so phrased that the recognition of the validity of the doctrine would apply only so long as it was not contrary to the provisions of the Covenant. Whereupon President Wilson, wishing to obtain an unconditional recognition of the doctrine, gave assurance that there was nothing in it, as it had been interpreted in the past or as it was likely to be interpreted in the future, that would be incompatible with the obligations of the United States as a member of the League.¹

¹ See the President's statement in Miller, *op. cit.*, vol. I, p. 459. As to the Council's reply, see League of Nations, *Monthly Summary*, Sept. 15, 1928. Also *Journal de Genève*, Sept. 2 and 4, 1928.

In February, 1928, the Argentine member of the League Committee on Arbitration and Security criticized Article 21 on the ground that it had reference merely to a unilateral policy of the United States, one which at the time it was enunciated and by a fortunate coincidence had been of great service to the Latin-American republics but which as subsequently extended had never received their explicit approval. It has been intimated by Señor J. L. Suarez, an Argentine publicist, that the objection to Article 21 is one of the reasons why Argentina has not actively participated in the affairs of the League since 1920.¹

It is clear that the inclusion of the reference to the Monroe Doctrine in the Covenant was effected in the face of considerable opposition from both European and Latin-American sources. If one considers objectively the nature and purposes of both the Covenant and the Monroe Doctrine, it is not easy to see the interrelation between them and therefore the reason or necessity for the sanction, by reference, of the Monroe Doctrine by the Covenant. If the Monroe Doctrine is merely a national policy of defense for the United States, as its most authoritative expositors such as Hughes and Root have asserted, it did not need the sanction of the Covenant to give it validity. As Mr. Kellogg correctly asserted in his correspondence relative to the Kellogg Pact, national self-defense is an inherent right and is not therefore dependent upon the sanction of treaties.² No interpretation of the Covenant which would have impaired or destroyed this right, even in the absence of Article 21, would have been admissible. Logically it is hard to see why Great Britain might not have demanded with equal reason a reservation covering her somewhat analogous policy in Egypt, Italy hers in the Mediterranean, France hers in northern Africa and Japan hers in the western Pacific. In fact the commission at its meeting on March 18 agreed, as stated above, that it would be impossible to put into the Cov-

¹Haring, *South America Looks at the United States*, p. 125.

²See his note of June 23, 1928, in Shotwell, *War as an Instrument of National Policy*, p. 297; also his address before the American Society of International Law, 1928, *Proceedings*, p. 143.

enant a reservation of the Monroe Doctrine without making a similar reservation of an Asiatic doctrine of the Japanese.¹ That this latter should not be done, was insisted upon by Mr. Koo, the Chinese delegate, although he was quite willing to vote for the inclusion of a reference to the Monroe Doctrine.² Why did not the Caribbean and Central American states which are similarly circumstanced, so far as their geographical relation to the United States is concerned, have an equal right and for the same reason to oppose the United States' reservation of the Monroe Doctrine?

As everyone knows, the European and Latin-American opposition to the Monroe Doctrine reservation was waived and Article 21 accepted because it was believed to be a condition *sine qua non* of the membership of the United States in the League—something which was earnestly desired and regarded as highly essential by the other nations. This concession to American susceptibilities was the price which they were willing to pay to obtain the adherence and collaboration of the United States in a great enterprise in which her coöperation seemed indispensable.³ But the concession failed to accomplish the object intended. The United States declined to become a member of the League and there seems to be no indication that it will do so in the near future. In view of this prospect, a demand is now being made in certain quarters of Europe and Latin America that Article 21 be withdrawn from the Covenant by the procedure of amendment. Such a proposal was advocated at the International Congress of the League of Nations Associations at Madrid in May, 1929, by the delegates of Argentina, Italy, Poland, Spain and Yugoslavia.⁴ Their contention was that whereas the article was

¹ Miller, *op. cit.*, vol. I, p. 295.

² *Ibid.*, p. 448.

³ The Senate, as is well known, was not satisfied with Article 21 as a safeguard for the Monroe Doctrine, and among the reservations to the Treaty of Versailles which it voted was one to the effect that the United States would not submit to arbitration or inquiry by the League any question relating to the Monroe Doctrine, such questions being reserved for its own decision since they lay wholly outside the jurisdiction of the League of Nations.

⁴ This statement is based on the report of the proceedings of the Congress as published in the Madrid and Paris newspapers.

incorporated in the Covenant solely for the purpose of obtaining American adherence, the United States not only seems definitely to have rejected the League but also enjoys the advantage of being in a position, while outside the League, to capitalize the value of the international sanction which the Covenant places upon the doctrine, and particularly of being in a position to invoke the doctrine against the intervention of the League in disputes between Latin-American members and for the enforcement upon covenant-breaking Latin-American states of performance of their League obligations. On the other hand, Lord Robert Cecil, a delegate to the Congress of Madrid, opposed the proposal and expressed the opinion that the recognition of the validity of the Monroe Doctrine in the Covenant possessed certain advantages although he did not state what they were. He also asserted that no Latin-American state which was a member of the League had ever officially protested against it. He might have added that the withdrawal of Article 21 from the Covenant would have the effect of closing the door of the League forever to the United States in case the latter should at some future time desire to become a member. The feeling exists, however, that the recognition accorded the Monroe Doctrine in the Covenant was given under a condition which the United States has not met and consequently should be withdrawn. Undoubtedly the presence of Article 21 in the Covenant, to which the United States was expected to become a party, constitutes an anomaly. As it is, the Covenant recognizes the validity of and thereby sanctions a policy of which a non-member of the League is the sole and exclusive interpreter, although that policy affects the rights and interests of many members of the League.

A more recent assertion of the Monroe Doctrine as a principle which limits the effect of multilateral conventions to which the United States is a party is found in what is in effect, if not technically, the reservation of the United States to the Kellogg Pact. When the Pact was submitted to the Senate for ratification, the objection which we now expect as a matter of course was raised, namely, that there was nothing in the text to safeguard the Monroe Doctrine. As

with the Covenant, the defect must be cured by a reservation. The Committee on Foreign Relations accordingly submitted with its recommendation in favor of ratification an interpretative report embodying its understanding of the purpose and effect of the Pact and likewise its view of the Monroe Doctrine as a policy of national security and defense for the United States. As evidence of what the Monroe Doctrine is and how it has always been regarded, the committee quoted extracts from Monroe's message of December 2, 1823, from Cleveland's message of December 17, 1895, from Elihu Root's address before the American Society of International Law in 1914, and from an address of Professor Theodore Woolsey in June of the same year. The conclusion of the committee was to the effect, although not expressly so stated, that the Monroe Doctrine being a policy of national defense, the right of the United States to wage war for its maintenance would not be inconsistent with its obligations as a party to the Pact. It is significant, however, that the committee took care to add that the Monroe Doctrine "called no new rights into existence; therefore whenever it oversteps the principle of self-defense, reasonably interpreted, the right disappears and the policy is questionable, because it then violates the rights of others."¹ Thus while the right of the United States to go to war for the maintenance of the Monroe Doctrine is reserved, it can be legally exercised only when in a war of self-defense. A war, therefore, to uphold some of the recent interpretations of the Monroe Doctrine which really had no relation to our national security or defense would not be legitimate under the terms of the Pact as thus interpreted. This restrictive but sensible interpretation of the Monroe Doctrine was doubtless due to the insistence of the Chairman of the Senate Committee on Foreign Affairs, who feels that some of the recent interpretations which have been placed upon the Monroe Doctrine have been distortions of its original meaning, and that reliance upon it, in part, to justify such interventions as that in Nicaragua in 1927 was quite unjustifiable.

¹ The text of the report may be conveniently found in *The Advocate of Peace* for February, 1929, pp. 90-91; a French translation in *L'Esprit International*, 1929, pp. 296-97.

Since the report of the committee was never voted upon by the Senate nor any reservation attached to the instrument of ratification, it might be argued that it is not binding upon the United States or the other signatories. Technically this may be correct, but there is little doubt that the "understandings" set forth in the report will always be regarded as in effect a reservation and will be invoked by the United States in case it should have occasion to plead the Monroe Doctrine as a defense to the charge of having violated the Pact.¹ Ratification by the other signatories without reservation in respect to the American understandings is tantamount to an admission that such a plea would be valid. But in case a war were waged by the United States on the pretext that it was for the maintenance of the Monroe Doctrine when it was not really a war of self-defense, the other belligerent as well as the neutral signatories would be justified, on the basis of the restrictive interpretation which the committee placed upon the Monroe Doctrine, in regarding the war as being in violation of the Pact. In short, since the Senate interposed no objection to the committee's interpretation and gave its consent to the ratification of the Pact as thus interpreted, the ratification will be deemed to have included approval of the committee's understanding of the Monroe Doctrine, and this understanding will constitute a binding obligation of the United States. Americans who believe in a saner and more sensible interpretation of the Monroe Doctrine should be grateful for the approval by the Senate, even if it was only by acquiescence, of a view of the Monroe Doctrine which restricts its scope to self-defense and admits the principle that a war in support of it would be in violation of the "rights of others" and of the Kellogg Pact, if its object were anything else than the national defense and security.²

¹ Compare to this effect a Washington dispatch to the *London Times* of January 6, 1929. The legal effect of the report was the subject of some discussion in the Senate. Senator Robinson of Indiana stated that in his opinion it would have the effect of a reservation but "not such a reservation as would need to be submitted to the other signatories".

² This is said notwithstanding the fact that the committee in other parts of its report did its best to reduce the pact to the terms of a pious wish. Compare

The Latin-American republics which have clamored for a more precise definition of the Monroe Doctrine ought likewise to be grateful for the restrictive interpretation of the committee even if it does not go to the length which they desire. In fact most of them have ratified the Pact or indicated their intention of doing so. Two of the most important, however, Brazil and Argentina, have done neither and it is reported that one reason for their hesitation or refusal is the United States' reservation of the Monroe Doctrine; this reservation, it is alleged, leaves the United States free to engage in any war which it may claim to be in defense of the Monroe Doctrine, of which it is the sole and exclusive interpreter.¹

It might be argued that since any war which the United States is likely to wage in defense of the Monroe Doctrine would necessarily be with a European or Asiatic Power, it would be to the interest of the Latin-American republics to leave their northern neighbor free to engage in such a war because, as a result of a coincidence of interests, it would be a war for their protection as well as that of the United States, against the aggression of a non-American Power. But to this argument the Latin Americans would reply that in late years the United States has occasionally relied upon the Monroe Doctrine as justification for occupying their territory, seizing their ports, intervening in their domestic affairs, and sometimes establishing virtual if temporary protectorates over them without their consent. In short, the Monroe Doctrine has been transformed from an instrument for the protection of

the observations as to this of George W. Wickersham in *Foreign Affairs*, 1929, p. 367. But it is worth remarking that while the Senate identified the Monroe Doctrine with "self-defense", that term is susceptible of very wide interpretation and the United States will be the judge in each particular case of what is self-defense. There is no reason why it cannot, as it has in fact done, regard the most extreme extension of the Monroe Doctrine as falling under the category of self-defense. It is possible therefore that the restrictive interpretation of the Senate report may not prove to be a real limitation on the freedom of the United States to fight for the Monroe Doctrine.

¹ When the announcement of the signing of the Pact was made, the Argentine press advised the Latin-American republics to defer action upon it until it was known whether the Senate of the United States would attach a Monroe Doctrine reservation to its own ratification.

the American republics against non-American aggression to an instrument to justify on occasions intervention by the United States in the affairs of her sister republics. In several instances in which this was done the intervention took the form of war, in a material sense, even if it was not such in legal contemplation. The recent intervention in Nicaragua was criticized for this reason by various senators, notably Borah, Blaine, Norris and Wheeler, on the ground that the Constitution vests the war-making power in Congress and not in the president. The conclusion of the Latin-American critics, therefore, was that if the Senate reservation left the United States free to invoke the Monroe Doctrine as a justification, wholly or in part, for armed intervention in their countries—interventions which in effect sometimes amounted to war—the protection which the Kellogg Pact was intended to afford its Latin-American signatories would be materially weakened. Furthermore, the Kellogg Pact by its very terms proposes to outlaw certain types of “war” only; consequently it places no restriction upon the right of the United States or any other signatory to have recourse to measures of intervention or other steps involving the use of armed forces so long as such measures do not fall within the legal category of “war”. However, notwithstanding this skepticism, most Latin-American governments have, as stated above, either ratified the Pact or given notice of their intention of doing so.¹ It is well to remember that the restrictive interpretation of the Monroe Doctrine approved by the Senate, if scrupulously observed by the United States in its relations with the Latin-American republics, will remove, in part at least, the cause of their apprehension.

Until very recently the United States had been content to limit its reservations of the Monroe Doctrine to multilateral conventions. Since January 1, 1928, however, it has concluded twenty-four bilateral arbitration treaties each of which contains a provision for “safeguarding” the Monroe Doctrine

¹ It may be remarked, however, in this connection that the Senate of Colombia approved adherence to the Pact subject to the reservation that it condemned not only “war” but also measures of force such as military occupation and armed intervention by one state in the internal affairs of another.

by expressly reserving for the United States the right to be its sole judge and executioner. Each of these treaties contains a clause to the effect that its provisions shall not be invoked in respect to any dispute the subject matter of which "depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine." The effect of this reservation is, of course, to relieve the United States of an obligation to arbitrate with another party to the treaty any difference which in its opinion involves the Monroe Doctrine in any way. As to all such disputes the United States will be its own judge both as to the nature of the dispute, that is, as to whether it involves the Monroe Doctrine or not, and in case of an affirmative judgment, as to the mode of settlement. It might therefore claim the right to resort to war or other non-pacific measures against any signatory with which it has a dispute involving or depending upon the Monroe Doctrine as it is understood and interpreted by the American government at the time.

Many Americans themselves regret that the Department of State should have inserted this reservation in the new arbitration treaties, considering that the Monroe Doctrine means whatever any particular president or even any secretary of state interprets it to mean, and that there seems to have been no real necessity for it at this time. It may be remarked in this connection that never before had such a reservation in a bilateral arbitration treaty been insisted upon by the United States. However, if the other parties freely enter into treaties with the United States containing such a reservation, they at any rate can hardly complain. Seventeen European states, among them France, Germany, Austria and Hungary have already signed and ratified such treaties. But seven have not, including Belgium and Italy. It may be remarked also that no such treaty has been concluded with Great Britain. This is reported to be due, in part, to the unwillingness of the Dominion governments to accept the reservation relative to the Monroe Doctrine, which, it is maintained, would have the effect of relieving the United States from an obligation to arbi-

trate any dispute arising out of its policy in the Western Hemisphere whenever in its opinion the Monroe Doctrine was involved. It is also significant that no such treaty has been concluded with Japan. If, however, the treaties are finally ratified by all the governments which have signed them, and if similar treaties are concluded with Great Britain and Japan, it will certainly constitute another and very important victory for the Monroe Doctrine.

It may be remarked that among the new bilateral treaties there is not one with any Latin-American republic. It is significant also that the multilateral Inter-American Arbitration Treaty signed at Washington on January 5, 1929, by the representatives of twenty of the twenty-one American republics contains no reservation relative to the Monroe Doctrine. The delegates of the United States did not insist upon it because it was said that there is no place in an arbitration treaty between American republics for a reservation covering the Monroe Doctrine, since the purpose of that doctrine, as repeatedly declared by official spokesmen in the United States, is the defense of the United States, and incidentally of the Latin-American republics, against aggression or interference on the part of non-American states. Consequently disputes involving the doctrine can arise only between the United States and non-American states. But in late years there have been complaints in Latin America that the United States has extended the scope of the Monroe Doctrine and employed it for purposes which lie beyond legitimate defense and in disregard of their rights of sovereignty and independence. It is quite conceivable, therefore, that serious disputes may arise between the United States and those republics, relative to the interpretation and application of the Monroe Doctrine. It is quite possible—indeed it seems not improbable—that in the future such disputes will be more common than those between the United States and non-American Powers. It is almost certain that in view of the increasing opposition in Latin America to the Monroe Doctrine as it is now interpreted in the United States, insistence by the United States representatives at the Washington Conference on a reservation similar to that in the

bilateral treaties with non-American states would have led to the rejection of the treaty by the Latin-American delegates, or at least by most of them. What, therefore, is the effect of the omission from the Inter-American treaty of a reservation "safeguarding" the Monroe Doctrine? Will the Senate of the United States give its advice and consent to the ratification of the treaty without such a reservation? In view of the principle frequently asserted in the United States by those who are in a position to speak with authority, that the Monroe Doctrine was proclaimed by the United States on its own authority and will always be maintained on its own responsibility, and that as a consequence, the United States is the sole and final interpreter of its scope and meaning (a fact of which the Latin Americans are fully cognizant), the Senate may regard as unnecessary a formal reservation reaffirming, in effect, this principle. In short, the right of the United States to decide for itself all disputes involving the Monroe Doctrine might be regarded as an implied reservation to every treaty of arbitration to which it is a party, without any necessity for its formal incorporation in the text of the treaty. But if this view be adopted by the Senate, would it not be equally applicable to disputes between the United States and non-American states, involving the Monroe Doctrine? In that case there would seem to be no more reason why the United States should have insisted on a reservation to the new bilateral treaties referred to above, with non-American states, than to the multilateral treaty with the Latin-American republics. On the other hand, if the Senate should give its advice and consent to the ratification of the latter treaty, subject to an express reservation that the United States be relieved from the obligation to arbitrate disputes with them involving the Monroe Doctrine—and this is by no means improbable—it is almost certain that some at least of the Latin-American republics will decline to ratify it.¹ Although more than a year has passed since the signing of the treaty, the Senate has taken no action on it.

It may be argued, and in fact has been maintained in the

¹ Several Latin-American states have ratified it.

United States, that although the Inter-American arbitration treaty contains no express reservation relieving the United States of an obligation to submit to arbitration disputes with Latin-American republics involving the Monroe Doctrine, there are other provisions in the treaty which, by implication, do have this effect. Thus Article 2, the authorship of which is attributed to Mr. Hughes, excepts from the stipulations of the treaty controversies which "affect the interest or refer to the action of a State not a party to this treaty." This clause, it has been said, "skillfully and impliedly exempts the Monroe Doctrine without mentioning the name" and thus avoids offending the susceptibilities of the Latin Americans.¹ Under this provision, if a dispute, for example, should arise between the United States and Venezuela relative to action by Great Britain which the United States considered to be in violation of the Monroe Doctrine, the United States would be under no obligation to arbitrate it. Nor would Latin-American states be under an obligation to arbitrate it. Latin-American states would probably not object to relieving the United States of the arbitral obligation in a case of this kind.

But suppose the dispute between the United States and Venezuela should relate, not to an interest claimed or action taken by Great Britain or some other non-American state, but to the right of the United States to intervene in some form in the affairs of that republic, on the ground that its purpose was the maintenance of the Monroe Doctrine (e.g. its duty, under the Coolidge interpretation, to protect British or Italian nationals therein or, under the Roosevelt corollary, to deal with a situation resulting from wrongdoing or impotence). Suppose also that according to the Venezuelan interpretation the doctrine was not really involved, but was being invoked by the United States to justify action in violation of the rights and interests of Venezuela? Here we would have a clear case of a dispute between the United States and a Latin-American republic relative to the Monroe Doctrine—a dispute to which

¹ James Brown Scott, 23 *Amer. Jour. of Int. Law* 146. Cf. also Murdock, 23 *ibid.* 283, and Mr. Hughes' comments on Art. 3, Provisional Minutes of the Conference, pp. 15, 17.

no non-American state is a party. Since there is no express reservation in the Inter-American treaty exempting the United States from an obligation to submit the dispute to arbitration, could Venezuela demand arbitration? Americans are not lacking who will deny the obligation of the United States to arbitrate in such cases and they will invoke the authority of Article I of the treaty, which binds the signatories to submit to arbitration only differences that are "juridical in their nature by reason of being susceptible of decision by the application of the principles of law." Now the Monroe Doctrine is not regarded as a principle of international law, but as a rule of American foreign policy. The fact that its validity has been recognized by all states which are parties to the Covenant of the League of Nations, by those which have ratified the Kellogg Pact with the Senate "understanding" of its obligations, and by those which have ratified the recent bilateral treaties of arbitration with the United States, does not give it the character of a rule of international law in the sense in which the Drago Doctrine, in so far as it is embodied in the Porter Convention of 1907, is a rule of international law. The United States has insisted upon and obtained this recognition, but apparently does not desire that the doctrine should be considered as a principle of international law and probably would not admit it to be such in case it were so regarded by other nations. During the debates in 1926 on the question of the adherence of the United States to the Permanent Court of International Justice protocol, Senator Reed of Missouri offered a reservation to the effect that the Monroe Doctrine should be acknowledged by the other signatories to be a rule of international law, but Senator Swanson promptly objected on the ground that the doctrine was a unilateral policy of the United States and that "we were not willing to have it incorporated in the body of international law". Senator Lenroot agreed with him. In short, the effect of such a reservation would have been a virtual surrender to the World Court of the right of the United States to be the sole interpreter in all such cases.

It may and doubtless will be maintained, therefore, in the

United States, if a case arises, that a dispute with a Latin-American republic involving the Monroe Doctrine is not a "juridical" question in the sense of Article I, because it is not susceptible of decision by an arbitral tribunal through the application of "principles of law". The question as to whether the article would have such an effect does not appear to have been raised at the Washington Conference which formulated the treaty, and none of the reservations made by the Latin-American delegates at the time of signature relate to the matter. But it is altogether probable that when the treaty comes up for discussion by the ratifying authorities of the Latin-American states the effect of Article I will receive attention, and if it is clear that the effect will be to withdraw from arbitration all questions in which, in the opinion of the government of the United States, the Monroe Doctrine is involved, it is not improbable that the treaty will be rejected by certain of them or ratified with reservations embodying their understanding of the purpose and effect of the article.

If, however, they all ratify it without reservations as to its effect on the Monroe Doctrine and especially with full knowledge that it is understood in the United States as excluding disputes involving the doctrine, it will amount to recognition by them of the claim of the United States to be the sole interpreter and to settle in its own way disputes involving the doctrine. In the present state of public opinion it does not seem likely that the United States will consent to surrender this claim and it is by no means improbable that the Senate will give its advice and consent to the ratification of the treaty, with a reservation designed to remove the uncertainty which now exists in consequence of the omission from the treaty of all reference to the Monroe Doctrine.

The assertion of the late Senator Knox that "it was given us in Providence to state and interpret the Monroe Doctrine" may be lacking in proof, but whatever may be the facts as to the divine source of the gift, there seems at present little disposition in the United States to share it with our Latin-American sisters. On the theory that the doctrine was proclaimed as a measure of defense for the United States, and not for the

protection of the Latin-American republics, our claim to be its exclusive judge and guarantor may be logical, but since they are in fact equal beneficiaries with the United States, at least where the doctrine is interpreted and applied in its original sense, to tell them in effect that it is none of their business, is not calculated to evoke from them expressions of devotion for it.

Parallel with the insistence on the part of the United States that its claim to be the sole judge of the Monroe Doctrine shall be recognized by other nations through formal treaty stipulations, has gone, as stated above, a steady tendency to extend the scope of the doctrine beyond its original conception and even beyond the interpretations placed upon it during the formative stages of its development. Down to the opening of the present century, the interpretation and application of the Monroe Doctrine by the United States had, in general, been in accord with the original understanding of its scope and purpose and in few or no instances had it involved any claim of the United States to a hegemony or tutelage over Latin-American republics or any encroachment upon their independence or sovereignty. Since that time, however, the people of Latin America complain that it has undergone a series of extensions which have converted it from a policy of national defense for the United States of which they were at the same time the equal if not the chief beneficiaries, into a policy of control and interference in their affairs. They decline to accept the official view of the United States that these recent interpretations are not extensions of the original policy enunciated by Monroe, but merely corollaries or adaptations of that policy to new and originally unforeseen situations, and the assertion is made that some of these adaptations, at least, have had no relation whatever to the causes which called forth Monroe's declaration nor were they based upon any consideration involving the defense or protection of the United States.

The first extension which aroused criticism throughout Latin America was that of President Roosevelt (1901-04), who declared that in the case of "wrong-doing or impotence" by a Latin-American republic, the doctrine would justify the

United States in exercising over such republic an "international police power."¹ In short, he converted the Monroe Doctrine from an instrument of protection against European intervention to an instrument which may at times oblige the United States to intervene in the affairs of Latin-American states. This new view of the doctrine was applied in the subsequent intervention of the United States in Haiti and Santo Domingo. In both cases the intervention was justified partly on the ground of the right of the United States to forestall the threatened intervention of European powers, which would have been a violation of the Monroe Doctrine, since it might have led to the permanent occupation of territory by the intervening power.² Criticism was directed not so much against this claim of right as against the method and character of the intervention, which, it was asserted, went beyond what any legitimate consideration of self-defense required.

Demands for further extensions are not lacking. Recently Mr. Owen D. Young was reported to have suggested that the principle of the Monroe Doctrine might well be extended to apply to radio communication in the Western Hemisphere, thus giving the Radio Corporation of America the "effective leadership".³ It has also been suggested that it might be invoked against the claim of Canada to the territories lying between the Dominion and the North Pole, on the theory that Canada, being a European power, is debarred by the Monroe Doctrine from acquiring additional territory in the Western Hemisphere.⁴ On the theory held by some that the

¹ See especially his annual message to Congress in December 1904. *For. Rels.*, 1904, p. 441.

² It may be remarked that while the Senate Committee which investigated affairs in Haiti justified the intervention of the United States on the ground that "threatened intervention of the German government and the actual landing of French forces, all imperilled the Monroe Doctrine", a committee of distinguished representatives of the Foreign Policy Association who presented to Secretary Hughes a vigorous protest against the intervention of the United States told him that the American intervention was in violation of the Monroe Doctrine. *New York Times*, April 28, 1922. This incident is a good illustration of the fact that Americans themselves are not agreed as to what the Monroe Doctrine requires or forbids.

³ Quoted by Culbertson, *International Commercial Policies*, p. 539.

⁴ See the comments of David Hunter Miller respecting this claim, *Foreign*

Monroe Doctrine confers on the United States a sort of moral mandate to preserve the peace of this continent, certain newspapers in the winter and spring of 1925-26 suggested that the United States conduct a plebiscite in Arica, in case Chile were unwilling to coöperate, and impose the decision of the electorate upon both parties, presumably by force if necessary. Again, in the same year, when it was reported that a British syndicate was negotiating for a large rubber, oil and mineral concession in Bolivia, the exploitation of which would have involved the planting of a British "colony" in that country, the question was discussed in the United States whether this would not be a violation of the Monroe Doctrine.¹ It is by no means improbable that the doctrine will be invoked against the intervention of the League of Nations in Latin America for the enforcement of the obligations of the Covenant among the American members of the League, should such intervention be attempted, especially if it should involve recourse to military sanctions, and possibly even economic sanctions.²

The disposition in the United States to invoke the Monroe Doctrine as a justification, in part at least, for its intervention policy in Latin America was manifested by the recent intervention in Nicaragua, when certain newspaper editors, writers and members of Congress maintained that the doctrine was involved.³ But as Senator Borah in his criticism of the in-

Affairs, October 1925, pp. 50 *et seq.* A similar line of reasoning has been suggested as a bar to British territorial claims in the region of the South Pole. See the *London Times*, April 6, 1929.

¹ Haring, *South America Looks at the United States*, p. 103.

² Curiously enough, Chile in 1921, apropos of a complaint by Bolivia, invoked the Monroe Doctrine against the intervention of the League in "questions exclusively affecting countries of the New World". *Bolivia's Claim Against Chile for the Revision of the Treaty of Peace of 1904*, Geneva, 1921, p. 3. The whole question of the bearing of the Monroe Doctrine on intervention by the League in disputes among the Latin-American states is discussed in Foreign Policy Association, *Information Service*, vol. IV, no. 20 (Dec. 7, 1928), pp. 403 *et seq.* The late Professor Archibald Coolidge expressed the opinion that "the United States in its present mood will regard even the most peaceful interventions, not only of individual European States but of the League of Nations, as contrary to the Monroe Doctrine". *Foreign Affairs*, Mar. 1924, p. 387.

³ See, for example, an article in the *Advocate of Peace* (July 1928, p. 432) by Carl W. Meyer, who so argues.

tervention correctly pointed out, the Monroe Doctrine was not at all involved. "There is at this time", he said, "no non-American power seeking to acquire territory in Central America or in Nicaragua. There is no non-American power seeking in any way to overthrow the government of Nicaragua. I do not see in the entire situation any facts or circumstances which would justify an appeal to the Monroe Doctrine."¹ But the President, interpreting the Monroe Doctrine as imposing on the United States the duty of protecting British, Italian and other European nationals in Nicaragua—a view which represents the latest and one of the most far-reaching extensions of the doctrine—considered American intervention necessary to forestall the possible intervention of Great Britain and perhaps of other European powers. When it became known that Great Britain was contemplating the dispatch of a warship to Nicaraguan waters, certain journalists and politicians were aroused at what they appear to have suspected as an attempt to challenge or overthrow the Monroe Doctrine. Their anxiety quickly subsided, however, when the British government announced that the vessel which it contemplated sending to Nicaragua was intended to serve merely as a refuge for British nationals who might wish to escape from that country, and that there was no intention to land marines.² This new extension of the Monroe Doctrine (those who defend it regard it merely as a "corollary" of the original principle) will impose on the United States a difficult and delicate task, and it is certain to be attacked in Latin America, as it has been criticized in the United States, on the ground that it may be employed by the United States to justify intervention whenever in the opinion of the president or of the secretary of state there exists a possibility, however remote, that some non-American power may intervene for the protection of its own nationals. It appears to be an advance upon the Roosevelt doctrine that European governments might intervene in Latin America for the protection of their nationals so long as occupation of territory was not involved.

¹ *New York Times*, Jan. 12, 1927.

² *Ibid.*, Feb. 23 and 27, 1927.

One who from the outside studies our foreign policy during the recent years might easily conclude from the vociferousness with which the vitality of the Monroe Doctrine has been asserted and the effort we have made to induce other nations to recognize formally and solemnly our exclusive right to interpret and enforce it, that we were living in constant danger of a conspiracy to undermine or overthrow it. He might also conclude that the chief object of our foreign policy in these late years has been the preservation of the doctrine in its one-hundred-per-cent purity and integrity. We cannot coöperate, it would appear, with our partners in the family of nations in any undertaking for the advancement of common interests if there is any likelihood, immediate or remote, that our collaboration may imperil or weaken in any way this sacrosanct tradition. Everything, even the advancement of the general peace and good will of the nations, must yield to its majesty.

It is hard for an impartial student to avoid the conviction that we are overworking what, reasonably interpreted, is a perfectly sound and defensible principle of our foreign policy, attributing to it a rôle out of all proportion to its actual importance and exalting it to a point which is tending to give it the character of a national obsession, if not a cult.¹ Having

¹ The great majority of American scholars and jurists who have written books or articles about it in recent years have criticized in varying degree the official attitude of the United States toward the doctrine. Among them may be mentioned the following: Blakeslee, *The Recent Foreign Policy of the United States*, chs. ii-iii; Burgess, "Pseudo-Monroeism", *POLITICAL SCIENCE QUARTERLY*, vol. XI, pp. 44 *et seq.*; Catt, "The Monroe Doctrine and our Latin-American Relations", *Foreign Policy Assoc., Information Service*, no. 21; Chapman, "A Monroe Doctrine Divided", *POLITICAL SCIENCE QUARTERLY*, vol. XXXVII, pp. 75 *et seq.*; C., "The Future of the Monroe Doctrine", *Foreign Affairs*, vol. II, pp. 373 *et seq.*; Hall, *The Monroe Doctrine and the Great War*, ch. vii; Haring, *South America Looks at the United States*, ch. vi; Henderson, *American Diplomatic Questions*, pp. 446 *et seq.*; Hull, *The Monroe Doctrine*, ch. ii; Inman, *Problems in Pan-Americanism*, ch. v; Moon, *Imperialism and World Politics*, ch. xvi; Page, *The Monroe Doctrine and World Peace*; Rippey, *Latin America in World Politics*, pp. 265 *et seq.*; Rowe, "Misconceptions and Limitations of the Monroe Doctrine", *Proceedings Amer. Soc. Int. Law*, 1914, pp. 126 *et seq.*; Shepherd, "The Monroe Doctrine Reconsidered", *POLITICAL SCIENCE QUARTERLY*, vol. XXXIX, pp. 35 *et seq.*; Shuster, "Is There a Sound American Foreign Policy?", *Century Magazine*, vol. LXV, pp. 233 *et seq.*; Stuart, *Latin America and the United States*, ch. ii; Thomas, *One Hundred Years of the*

successfully insisted upon recognition of it in the Covenant of the League and having in our ratification of the Kellogg Pact reserved the right to fight for the maintenance of it, we are now demanding that whenever we enter into an arbitration treaty with a non-American country we must reserve the right to decide for ourselves any dispute upon which we may choose to spread the mantle of James Monroe, and it is by no means improbable that when the Senate comes to consider the Inter-American arbitration treaty of January 5, 1929, it will insist that the same reservation shall be applied to arbitration engagements with the Latin-American countries.

In these circumstances it is a fair question to raise, where is this movement to end? Will the next step be a demand that homage shall be rendered it in the preambles of all treaties which we conclude in the future somewhat as in the preambles of early treaties the parties began by an appeal to the Deity? To put on record the citizen who goes abroad and who may be exposed to the danger of having his faith in it shaken, it might be desirable to require applicants for passports to take an oath of allegiance to it. To insure the loyalty to it of our foreign-born citizens, applicants for naturalization might be required to take a similar oath. Finally, the president might in his annual Thanksgiving proclamation call on the nation to render it homage and express their gratitude for the blessings which it has conferred upon us!

That the Monroe Doctrine was a wise and justifiable policy and that it may have saved Latin America from European aggression no one will deny. But all the signs indicate that its objects have already been accomplished—that its chief contribution lies in the past, not in the future. The occasions when it may be legitimately invoked by the United States in

Monroe Doctrine, especially ch. xxv; Whitton, "L'Isolement des États Unis, principe caduc de la doctrine de Monroe", *Rev. Gén. de Droit Int. Pub.*, 3d ser., t. I (1927), pp. 45 *et seq.*; Woolsey, *America's Foreign Policy*, pp. 223 *et seq.*—J. W. G.

The *Memorandum on the Monroe Doctrine* prepared by J. Reuben Clark, undersecretary of state, and published by the Government Printing Office, Washington, 1930, was not made available until after this article was written.

—En.

the future—that is, for defense and security against European or Asiatic aggression—are likely to be few, if any.

The Holy Alliance against which it was directed has long since disappeared and nothing comparable to it exists in Europe or Asia today. The European monarchical “system” to which Monroe adverted in his message has been replaced by a variety of “systems”, most of them democratic in form and in spirit. There is probably no country in Europe or Asia that will ever again challenge the Monroe Doctrine, certainly so long as it is interpreted by the United States as a policy of protection and defense—and its authoritative expositors have repeatedly denied that it has any other object. The more powerful republics of South America, while disclaiming any further need of its protection (they cannot understand, they say, why Uncle Sam insists on holding an umbrella over them when there is not even a cloud from the east), have no objection to its assertion by the United States as a policy for its own defense.

They do not ask us to abandon it; they acclaimed its pronouncement with enthusiasm, they have often expressed their gratitude to the great nation which was responsible for it and paid glowing tributes to the memory of the illustrious President whose name it bears. They regarded it as a guarantee, in the days of their infancy and weakness, of the independence which they had won by force of arms and which the United States was the first to recognize.

What they do complain of is the insistence on the part of the United States to be the sole and exclusive judge of what it means, and of the extensions which have been given it—extensions which they feel, rightly or wrongly, have transformed it from a policy of national defense for the United States into an instrument of North American tutelage and hegemony over them.

If the United States is unwilling to give them a consultative voice in the interpretation of the Monroe Doctrine when their own rights and interests are affected, it might at least, they insist, reformulate the doctrine or restate it more precisely as we on our part understand it today, so as to render it less

susceptible of elastic interpretation by succeeding presidents and secretaries of state.¹

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¹ It was reported in a press dispatch from Washington in April, 1929, that President Hoover was convinced that there was some basis at least for the Latin-American complaints and that it was his desire to do something to remove their cause. The dispatch stated that the President and the Secretary of State were working upon a reformulation and restatement of the Monroe Doctrine which it was hoped might remove this important cause of Latin-American criticism. It was further stated that the restatement was being undertaken at the suggestion of Senator Borah, who felt that in recent years "constructions" had been placed upon the doctrine which gave it a meaning far beyond its original purpose or its present necessity. I am informed by the Senator that he was not aware of the intention which this press dispatch attributed to the President. He confirms, however, the opinion which the dispatch attributed to himself. The Monroe Doctrine, he says, has been "most erroneously construed" in a way that has necessarily made it offensive to the South American countries. "It has always seemed to me," he says, "that we ought to make it plain to the people of South America and to the people of the world that we claim nothing under the Monroe Doctrine not plainly implied in its original terms", and he adds that reliance upon it to justify our interventions in the domestic affairs of the Latin-American states is "wholly unjustified". Senator Borah's views are elaborated in a speech made in the Senate on Jan. 11, 1927. (See *New York Times*, Jan. 12, 1927.) In this speech he said: "Those who believe in the Monroe Doctrine and think it of vital importance to this country are doing it a great disservice by undertaking to invoke it in aid of any kind of interference in the countries of Central and South America".

RECENT BOOKS ON THE PACIFIC AREA

NOT so many years ago it was the fashion to speak of the westward trend of civilization from the eastern to the western Mediterranean, then to the Atlantic Ocean, and, in a future epoch, to the Pacific area. At the special session of the American Historical Association in San Francisco, in connection with the Pan-Pacific International Exposition, Theodore Roosevelt and Henry Morse Stevens spoke of the Pacific as the scene of momentous future developments. Events, however, have not yet fulfilled such anticipations, and the beginning of the expected Pacific Episode in history seems to have become merged in a world movement.

The Pacific, indeed, has been spanned by radio and traversed by aircraft. Its immense space, yielding to science, is becoming just a part of the new world order. The "Pacific area", therefore, cannot be considered apart from other world problems. The lands bordering the greatest ocean have their several problems, to be sure, but they are in contact with the rest of the world and their difficulties as well as their hopes are intimately related to the changing world order. In particular the adoption of the Kellogg Pact and the recent progress in international agreements and international practice have signally changed the Pacific situation. This must be borne in mind as we discuss the books now under review.

One group of books is significant because it represents the rapid development of coöperative research and conference. Believing that Pacific problems might fruitfully be studied by round table methods, a group with its nucleus in Honolulu evolved a project which materialized in the Institute of Pacific Relations. The Institute's first session in Honolulu in the summer of 1925, attended by delegates from most of the countries bordering on the Pacific, was intended not only to establish personal contacts between leaders, but also to promote the dissemination of information in all the countries represented. For the latter purpose, the report of the conference was edited, largely by Dr. Herbert E. Gregory of the Bishop Museum, and was published as a working manual for those who had attended the conference.¹ It is still of value and has no small interest as an indication of the status of opinions in 1925.

¹*Institute of Pacific Relations*. Published by the Institute of Pacific Relations, Honolulu, Hawaii, 1925.—210 pp.

The first session of the Institute discovered the need of research. To meet the felt need of accurate information, a research program was set up, and the delegations from various countries (European nations being now included) prepared careful statements as a basis for the discussions at the second session. These statements make up the first sixty-five pages of the second report of the Institute of Pacific Relations.¹ The report, issued in attractive book form, includes also a reasonably successful summary of round table discussions, some thirty-three documents, eight maps, a report of the conference, and a list showing the documentary material distributed to members. Considered as a whole the volume is of substantial permanent value. The topics treated range from Professor Gregory's paper on the geography of the Pacific to Herbert Croly's discussion of "The Human Potential in Pacific Politics".

The success of the Institute of Pacific Relations was one of the circumstances which led a group of public-minded men in Los Angeles to organize a similar institute, the Institute of International Relations, in 1926. This new organization, under the capable leadership of Dr. R. B. von Kleinsmid, president of the University of Southern California, has held five sessions since its first meeting at Riverside, California, and has succeeded in drawing the universities, colleges and various other institutions of the western part of the United States into more effective collaboration on Pacific problems. Its reports,² issued in book form, are much more than records of the trend of opinion. Many of the articles are of lasting value. The number and range of such contributions, however, would discourage any attempt at detailed criticism.

The value of the conference method as a stimulus to useful research may be illustrated by the monograph prepared by Dr. Eliot Grinnell Mears, discussed at the Institute of Pacific Relations at

¹ *Problems of the Pacific*. Edited by J. B. Condliffe. Chicago, The University of Chicago Press, 1928.—615 pp. \$3.00.

² *Proceedings of the Institute of International Relations, Volume I*. Edited by Karl C. Leebrock and J. Eugene Harley. Los Angeles, University of Southern California, 1927.—181 pp. \$4.00. *Volume II*. Edited by J. Eugene Harley. Los Angeles, University of Southern California, 1928.—211 pp. *The Pacific Area*. Edited by Charles E. Martin and K. C. Leebrock. Seattle, The University of Washington Press, 1929.—xi, 401 pp. *Proceedings of the Institute of International Relations*. Edited by Rufus B. von Kleinsmid and Herbert Wynford Hill. Los Angeles, University of Southern California, 1929.—240 pp. \$4.00.

Honolulu, and subsequently presented in book form.¹ As Dr. Mears' work has been subjected to the acid test of searching criticism, it may be safely described as authoritative. The body of the book is a well written discussion of the legal and economic problems of resident Orientals in the western part of the United States. The charts and compilations and the documents supplementing the text are exceedingly valuable.

Similar in origin and of equal value is the excellent little volume on *Oriental Exclusion*,² by Dr. R. D. McKenzie. After an able presentation of the social as well as the legal and political aspects of the question, the author reaches the conclusion that the solution of the immigration problem is not impossible. "Human emigration", he writes, "must be controlled. In our modern world of high fluidity there is too much random movement. To allow human beings to migrate at will from one part of the world to another is to invite waste and to precipitate conflict. On the other hand, it must be remembered that in a dynamic highly specialized world migration seems to be the only feasible way of maintaining economic equilibrium and of exploiting the resources of undeveloped regions. There is need at present as never before of a sound and rational immigration policy acceptable to all nations concerned". This little volume will long remain a standard book of reference on the question of Oriental exclusion.

An example of the type of research and writing done on the Pacific Coast in preparation for Institute meetings is to be found in a small volume entitled *Problems in International Understanding*,³ edited by Dr. Martin and Miss Dobie, and containing five papers on problem of the Pacific area, an equal number on the International Mind, and four on International Technique. These papers were first presented as lectures at the University of Washington and proved so popular that they were printed for more general distribution. They make a useful and very readable contribution to a general understanding of the situation in the Pacific.

Several of the volumes recently published for the use of college

¹ *Resident Orientals on the American Pacific Coast*. By Eliot Grinnell Mears. Chicago, University of Chicago Press, 1928.—xix, 528 pp. \$3.00.

² *Oriental Exclusion*. By R. D. McKenzie. Chicago, University of Chicago Press, 1928.—xv, 200 pp. \$2.00.

³ *Problems in International Understanding*. By H. H. Gowen, R. D. McKenzie and others. Seattle, University of Washington Book Store, 1928.—199 pp.

classes are actually much more than textbooks. They are in effect exceedingly readable and comprehensive surveys, written by seasoned scholars. Dr. Gowen's *Outline History of Japan*¹ was intended as a college text for American students of Japanese history, but it is also available to the general reader who desires an interesting interpretation of Japan by an author long resident in that country and intimately in contact with its leaders. While he made specific use of few sources in the Japanese language, Dr. Gowen has had the collaboration of competent Japanese scholars and is a master of the literature of the subject. Perhaps he is too readily inclined to regard the Japanese movement as being similar to those of western democracies and too optimistic in his portrayal of popular movements for liberty. If he errs in this direction, the fault is a kindly one.

Another text whose appeal reaches beyond academic halls is *A Short History of China* by Dr. E. T. Williams.² This fine piece of bookmaking, delightfully illustrated in black and white, brings to the reader the rich fruits of a life spent in official service in China and in scholarly study of Chinese annals. Dr. Williams has long been known as one of the most careful students of Chinese history and politics. He was so intimately acquainted with Chinese aspirations at the Paris Peace Conference and at the Washington Conference that the pages on the post-war period must be considered as primary sources. The final chapter is an attempt to evaluate the rapidly moving panorama of a nation undergoing revolution, and was somewhat out of date when it came off the press, so rapidly have events moved. This necessary shortcoming is a small defect in a book the bulk of which is devoted to giving a short but scholarly interpretation of China's long history prior to 1900. The reviewer happens to be more interested in the final third of the volume, and less capable of judging the value of the earlier two-thirds, readable and well arranged as they are.

Without doubt the best general text on the Far East as a whole has been written by Dr. Treat.³ This admirable volume is a result of more than twenty years of teaching, travel and study by a capable

¹ *An Outline History of Japan*. By Herbert H. Gowen. New York and London, D. Appleton and Company, 1927.—448 pp. \$4.00.

² *A Short History of China*. By Edward Thomas Williams. New York and London, Harper and Brothers, 1928.—xxii, 652 pp. \$4.00.

³ *The Far East*. By Payson J. Treat. New York and London, Harper and Brothers, 1928.—xlii, 529 pp. \$5.00.

and painstaking student. Guy Stanton Ford justly remarks in the editorial foreword that the author has not only "sought to know the peoples he writes about and to master the sources made available in increasing volume recently for the diplomatic history of the Pacific powers", but he has also, as a teacher, tested the presentation now made available to the public. The subject matter is divided into three parts. The first, covering Chinese history from the earliest times to 1895, is necessarily condensed, but progressive and clear. In Part 2, on "Japan to 1895", one feels that the author is treading more familiar ground, where he enjoys the advantage of long study and writing on Japanese affairs. The viewpoint for Part 3 ("The Far East, 1895-1927") is indicated by the opening chapter, "The United States Becomes an Asiatic Power". The problems of adjustment created by imperialism afford a meaningful background, just now, for an understanding of the policies of Russia, Japan, and China in the development of their hinterlands. The events described in the chapter on the "Far East in the World War" are frequently overlooked at the present time. Likewise the chapter on "Recent Politics" makes interesting reading in light of still more recent events and bears testimony to the accuracy of the observation of the author and to his keenness of judgment. When such broad subjects are dealt with in so limited a space, there is naturally much opportunity for difference of opinion on certain disputed points, notably in the chapters on "Japan and Korea" and "The United States and the Philippines", or other chapters depending upon the special interest of the reader. The final chapter on "Orientals in the United States" is almost too brief to be of much value but at least has the merit of bringing the matter into consideration in such a review of Far Eastern problems as this valuable text endeavors to present. The bibliographies at the ends of the chapters and the eleven pages of bibliographical notes at the end of the volume are particularly excellent.

G. C. Allen's *Modern Japan and Its Problems*¹ is a well written book by an excellent observer who is concerned to substitute realistic descriptive studies for unsound opinion about Japan. The "Fiction of the Yellow Peril" is as sanely avoided as the "Cherry Blossoms Delusion". Mr. Allen shows marked insight into the social and economic practices current in Japan and into the social life of the Japanese people. His treatment of Japanese character, especially

¹ *Modern Japan and Its Problems*. By G. C. Allen. New York, E. P. Dutton and Company, 1927.—ix, 222 pp. \$3.00.

as regards honesty, is a welcome corrective for a misunderstanding which has been difficult to correct. Many readers will be surprised to learn that the efficiency of Japanese culture in promoting social solidarity has cost heavily in the stifling of genius, of criticism and of innovation.

The position and function of the Emperor and of the Elder Statesmen and the apparent augmentation of the Privy Council's powers are set forth in simple terms. The incommensurability of these with Occidental institutions is indicated. The East cannot be expected to work the machinery of Western political systems satisfactorily in an unsympathetic atmosphere. Oriental institutions, in fact, have their own laws of development, which may be very different from those of Europe, and progress lies, not in slavishly copying what may be quite unsuited to the temperament and social organization of the race, but in the discovery of those laws and in obedience to them.

The educational system and the unique character and life of the student class are described by one who obviously knows them at first hand. The efficiency of that system in producing capable servants of the state, and its inefficiency in producing independent thinkers, are analyzed succinctly.

The author himself is, apparently, an economist, and his chapters on "The Rise of Industry", "The Present Economic Structure", "Banking and Finance" and "The Population Problem", though in non-technical form, are authoritative. The omission from Japanese industrial development of a stage based on "*laissez-faire*" individualism, and the speedy, government-facilitated organization of large industrial units in harmony with the prevailing tendency in the West, may be contrasted with the failure of the banking system to become centralized in similar fashion. The distinction between industries which serve the special demands of the Japanese public itself, which have remained on a small-production, decentralized, pre-mechanized basis, and those that cater to the demands of export trade or of new tastes and processes developed through the partial Westernization of Japan, which latter industries have developed along highly mechanized "modern" lines, is excellently drawn, and is fundamental to an understanding of Japan's economic life, perhaps of her entire cultural life.

The discussion of the present economic system corrects the impression, left by a survey of Japan's recent economic history, "that the economic structure of the country had already assumed a form

identical with that of the West. . . . Perhaps the most interesting of Japan's economic problems are those which have arisen from the attempt of an Oriental society, based on groups, to work an economic system which had been created by the individualistic West" (p. 137). This situation shows itself, among other ways, in the relation between the family system, the character of Japanese consumption, and the typical course of business depressions.

If Japanese civilization could be adequately portrayed by a description of the agencies governing the channels of public information, the case for Japan would be sorry indeed. The real values of Japanese civilization, which lie elsewhere, are too often obscured by the guileful labors of Japan's chauvinist propagandists. Harry Emerson Wildes, a former professor of economics at Keio University, has written a book¹ which affords an antidote for propaganda. Although he seems careful to quote mainly from pro-Japanese sources so as to avoid affront to Japanese sentiment, his work is for the most part scientific and dispassionate. Residents of the Far East can amply corroborate his main contentions. His title, *Social Currents in Japan*, seems not well chosen. Only incidentally and partially does Mr. Wildes deal with that subject. He does present, however, a valuable study of the sources, distribution and publication of news in Japan and about Japan in other lands. The book is of particular value to students of the press and of public opinion. Among other topics it presents: the history of the press in Japan; an analysis of the "peculiar status" of the press under a government of almost theological omnipotence and omniscience, operative in ways far more subtle and effective than the visible threat of the censor; the relation of press and government and the latter's attempts to "clarify and filter" the news; the maliciously anti-foreign activities of the press; the attitude of "misunderstood Japan"; the English-language press and its unusual situation and influence in Japan. There are invaluable chapters on the personnel and mechanism of Japanese propaganda abroad, propaganda that strangely combines wholesome service to international understanding with skilful misleading and perversion of foreign public opinion.

By way of contrast, we turn to a "pleasing travel book", Douglas Haring's *The Land of Gods and Earthquakes*,² beautifully printed

¹ *Social Currents in Japan*. By Harry Emerson Wildes. Chicago, University of Chicago Press, 1927.—xiii, 375 pp. \$3.00.

² *The Land of Gods and Earthquakes*. By Douglas Haring. New York, Columbia University Press, 1929.—203 pp. \$3.50.

by the Columbia University Press and embellished with illustrations which are almost like prints. The book is just what it claims to be, an interestingly written description by one who through long residence has learned to understand and admire Japan without losing his critical judgment or becoming an apologist. There are occasional touches of humor and many epigrammatical statements that delight even the most casual reader. The chapter on "Signs" is a delight. Without being too critical, one cannot but wonder at the brevity of the little chapters on "Drumming Up Religion" and "Militarism". Perhaps if these topics were dealt with at greater length, the book would become other than it is—a pleasing reading journey into certain places in Japan and an exploration of Japanese characteristics.

When one picks up *The Restless Pacific*,¹ particularly if one knows Mr. Roosevelt's other books, he anticipates an essay on some phase of preparedness necessitated by a clash of international interests. In a sense, he is pleasantly disappointed. The book ably emphasizes the legal and economic fundamentals and aims to give the reader "a sense of the unity of the Pacific area, and a realization of the interrelation between the politics of Europe and eastern Asia and their effect on America's interests". Mr. Roosevelt, unlike the reviewer, believes that "the theatre of world-events has shifted from the Atlantic to the Pacific".

This volume is attractively printed and makes interesting and stimulating reading. One is grateful to Mr. Roosevelt whether one agrees with his point of view or not. In some measure the book is an indictment of Japan. Still Mr. Roosevelt tries to be fair. For instance, on page 109 he states, "In Japan, as elsewhere, the imperialists have never remained long enough in power to carry through all their plans. Policy has rarely been consistent." And on the following page, "It is only fair to Japan to point out that this policy of aggrandizement was not motivated solely by lust of conquest. There were, to be sure, important strategic considerations. The control of Korea, for example, was deemed essential to protect Japan from invasion by Russia."

In the same chapter he does not hesitate to indict the United States, as on page 120, "No greater diplomatic blunder has been made by the American Government than the effort to bring about the internationalization of the South Manchurian Railway. The plan

¹ *The Restless Pacific*. By Nicholas Roosevelt. New York and London, Charles Scribner's Sons, 1928.—xx, 283 pp. \$3.00.

was a gratuitous slap at Japan. It impugned her good faith and her efficiency." In chapter 10, the author reviews the Russian program and flatly accuses Russia of imperialistic policies. Speaking of the change from the Czar's government to that of the Soviet, he says: "But the objective remained the same, and it is a safe prediction that if a democratic or other government replaces the Soviets, its foreign policy will differ from that of its predecessors only in method, not in ultimate aims" (p. 123). "Nothing less than the mastery of Asia was—and is—at stake. Russia, the great continental power, European in origin but Asiatic by destiny, dreams of restoring the empire of the Mongol Khans, and, her strength based on the wealth of old Asia, taking her place as leader in world affairs" (p. 126).

His point of view toward Great Britain is given in the title of chapter 11, "Britain, the Conservator". He says that Great Britain is gradually receding from her present position in the Far East and there have been indications in recent years that Great Britain is slowly falling back on Singapore as the last outpost in eastern Asia (p. 144). That he guessed wrongly at the time of writing is indicated by the statement on page 147 that "it is not impossible that Britain's proverbial partiality for compromise will in time result in support for the division of China into North and South, the former under Japanese, the latter under British nominal guardianship". This quotation also, I think, more than any other, indicates that Mr. Roosevelt sees "The Restless Pacific" only through the eyes of one interested in the political and military angles.

It would be difficult to find in short compass a better general statement of the interests of the minor European powers in Asia than that contained in chapter 13, which he has named "The Rest of Europe in Asia".

Some Americans will agree and others will smile at Mr. Roosevelt's statement that "the United States has been peculiarly free from ulterior political motives in her China policy" (p. 181), and "Furthermore, the United States has never been partial to military intervention leading toward the seizure or policing of portions of Chinese territory", but nevertheless this contention can be stoutly maintained.

America's general position in the Far East is discussed in chapter 15. Here he takes the viewpoint of another writer and criticizes the United States for not improving her opportunities in the Philippines. On pages 194 and 195 he states: "This, despite the American genius for organization and mass production, we have failed to do during

the last quarter-century. In fact, we have even gone so far as to prevent ourselves by act of Congress from developing the islands. It was the Americans and not the Filipinos who restricted the holdings of agricultural lands by corporations to 2,560 acres of owned and another 2,560 acres of leased public lands. It is the Americans who are to blame for the continued unstable political conditions in the islands." One is glad to see him careful in his statement of the importance of rubber potentialities, but even so he leaves the wrong impression that rubber is, or is sure to be, a real economic factor in the Philippines.

The real purpose of the book appears in section VI, "The Balance of Power in the Pacific". Chapter 19, "The Naval Arm of Diplomacy", takes the point of view that "A direct relation exists between naval strength and foreign policy." Mr. Roosevelt is an apt pupil of Admiral Mahan. He is also somewhat of an alarmist. Although he takes pains to state that "Today, fortunately, the likelihood of war between the United States and Japan seems almost negligible" (p. 266), a little later (p. 269) he complains bitterly that at the Washington Conference the United States sacrificed naval supremacy in exchange for "the acclaim of the sentimentalists of all countries and of the 'hard-boiled' in England and Japan".

In the final pages of his book Mr. Roosevelt reaches the conclusion: "Although America is destined by her wealth and strength to have a preponderant share in the affairs of the Pacific, her influence will be continually subjected to the counterplays of European policies and ambitions" (p. 282). "America must be prepared to throw her weight against any nation which threatens to disrupt world peace. She is not, nor ever has been, 'isolated'. But it is to her advantage to preserve complete freedom of action, so that she may the better carry out the policy of co-operation without commitments, of independence without isolation, which has been hers since the founding of the Republic" (p. 283).

From a very different standpoint Scott Nearing has attempted to forecast the future of eastern Asia.¹ To the question inscribed on the titlepage, *Whither China?*, Mr. Nearing answers "into the arms of Russia". Starting out with the supposition that "it is impossible for journalists and scholars who regard capitalist society as an end-product to fathom the changes that are now taking place in Asia", Mr. Nearing valiantly attempted "to apply the yardstick of

¹ *Whither China?* By Scott Nearing. New York, International Publishers, 1927.—vi, 216 pp. \$1.75.

modern social science to recent events and present tendencies in Asia". In preparation for his task, he visited China, but he took with him so much in the way of prejudice and preconception that he might almost as well have remained at home. His brief review of historical events, full of misstatements and misinterpretations of fact, is intended to support the thesis that China has already "crumpled the cutting edge of imperialism" and will play a leading part in the movement against capitalistic imperialism. "A new social form is emerging in Eurasia under the spiritual leadership of the U. S. S. R., but with the material resources and the business capacity of the Chinese as the main driving power". It may be noted that as a guide to certain trends of opinion, Mr. Nearing's footnote citations of periodical literature are quite as interesting as his text.

A clearer and kindlier atmosphere pervades Dr. Paul Monroe's readable, well illustrated and well informed book on *China, a Nation in Evolution*.¹ Dr. Monroe is a keen critic and an expert observer, and has made numerous visits to China. His book is written "for the average American, puzzled by the complexity of the problem, by the strangeness of the names of places and of people; confused by the contradictory character of the news; yet earnestly desirous of understanding". He has more than succeeded in his modest intention of affording his readers glimpses through "the opaque walls" separating two great peoples. The Chinese proverb, "He who would understand both the past and the present must read five cartloads of books", is quoted by Dr. Monroe in apology for "a book for laymen by a layman". His own work would at least be one of the most interesting in the five cartloads. Particularly illuminating are the chapters on "Institutions and Social Background", "Sun Yat Sen, the People's Nationalist Party, and the Nationalist Movement" and "Modern Education and the Student Movement". The last, together with the following chapter on "Christianity and Mission Work", may be considered the best part of the volume, for in educational matters Dr. Monroe writes with unquestioned authority. An interesting chapter on "The Chinese Puzzle—from Inside Looking Out" attempts to take the Chinese viewpoint in evaluating recent movements. His closing sentences are coupled with an appeal: "Not until these antiquated conceptions and conditions are modernized and based on justice, efficiency, and good will, will the problem of China be solved. Then China will enter another stage of her

¹ *China, a Nation in Evolution*. By Paul Monroe. New York, The Macmillan Company, 1928.—xiv, 432 pp. \$3.50.

long, slow, painful evolution into a modern nationality and an assured place in the world of modern nations. Shall not America say with the great humanitarian of a century ago: 'We take our stand with those who are struggling out of darkness into light.'"

If Arthur Ransome in his entertaining little book on *The Chinese Puzzle*¹ contributes little to a solution of the puzzle, it is perhaps because he holds that "it is something that primarily concerns the Chinese". Addressing his warning to his fellow-countrymen in England, he continues, "the problem of our relations with China, while it compels us to watch with the closest interest the attempt of the Chinese to solve their puzzle, does not compel us to join in that rather uproarious puzzle-solving". In genial temper, therefore, Mr. Ransome is able to pause in his discussion of political and diplomatic questions while he draws graphic character sketches of men like Eugene Chen, that remarkable man who "knows English, if anything, too well"; or Borodin, who was in effect "a good gramophone", sent by the Soviets with one record to play for Cantonese ears. Chinese generals climb to power by skill, energy and rapacity. Mr. Ransome concludes that in the face of present difficulties, England should "think of her relations with China in the next century". As a Chinese proverb puts it, "A rich man thinks of the future, a poor man of the present". Lloyd George, in an introduction, sums up the thought of the author in characteristic blunt sentences: "Our interests and China's interests are identical. We both want peace and we both want trade. If we continue to insult and exasperate each other we are likely before long to have neither."

China and the Occident,² by George Nye Steiger, is an informing book under a misleading title. As indicated in the preface, the manuscript was "originally submitted to the Faculty of Harvard University in partial satisfaction of the requirements for the degree of Doctor of Philosophy, and this study of the Boxer Movement has since been entirely rewritten with the addition of much new material. It is now offered to the reading public in the hope that it may contribute to a clearer appreciation of the modern problems of China and the West" (p. xiii). It would have been better if the title, "The Boxer Movement", had been used even for the revision, as can be seen by merely listing the chapters: "The Chinese State and

¹ *The Chinese Puzzle*. By Arthur Ransome. Boston and New York, Houghton Mifflin Company, 1927.—189 pp. \$2.00.

² *China and the Occident*. By George Nye Steiger. New Haven, Yale University Press, 1927.—xiii, 333 pp. \$3.50.

the Opening of Western Relations", "The Opening of China", "Consequences of Shimonoseki", "The 'Battle of Concessions' and the 'Hundred Days'", "The Empress Dowager and Conservative Reform", "Foreign Relations after the Coup d'Etat", "The Boxers: 'I-ho Chuan' or 'I-ho Tuan'", "The Boxers in Shantung and Chihli", "Diplomatic Pressure at Peking", "The Crisis: May 28—June 20, 1900", "The I-ho Chuan in the Provinces", "The Reckoning", "Conclusion". The appendices make available certain documents which throw light upon this troublous epoch of Chinese history. The book is of value as a careful monograph on the Boxer period.

Chi Li, author of *The Formation of the Chinese People*,¹ also received his Ph.D. from Harvard University and one suspects that this book, like Dr. Steiger's, has a close relationship to a doctor's thesis. The opening sentences of Dr. Li's preface adequately indicate the nature of this volume: "In preparing this book I have tried to combine the zoological and the genetic methods. At present, there are hardly enough facts for a thorough study of this problem; yet, by making use of both the historical material and the anthropometrical data, one sees this problem in a different light and finds a new angle of approach. It is not merely an attempt to make a compromise between the ways of the older school of the Chinese historians, who rely almost entirely on past records for their work, and those of the Western anthropologists, who have frequently oversimplified the problem." Only scholars well versed in anthropology and ethnology will be competent to appreciate the intensive research which has gone into the making of this book.

*The Development of Extraterritoriality in China*² by G. W. Keeton will bring joy to all scholars and teachers who deal with the difficult question of extraterritoriality. Mr. Keeton has produced an authoritative work, well written, and printed with a minimum of evident errors. I turn to the author himself for a statement of his aim. "The present work", he says, "is not a history of foreign jurisdiction in China. It is something less, and (it is hoped) something more. The author's aim has been to present an explanation of extraterritoriality—to show the difficulties existing in early European intercourse at Canton, arising on the one hand from the uncer-

¹ *The Formation of the Chinese People*. By Chi Li. Cambridge, Harvard University Press, 1928.—viii, 283 pp. \$5.00.

² *The Development of Extraterritoriality in China*. By G. W. Keeton. 2 vols. New York, Longmans, Green and Company, 1928.—xi, 405, 402 pp. \$15.00.

tain attitude of the Chinese officials towards the jurisdiction issue, and, on the other, from the insufficient authority over their nationals with which the great European monopolist trading companies were invested; to demonstrate why it was impossible to admit the Chinese claim to jurisdiction over foreigners; and then to describe the system which was erected upon the inadequate foundation of the treaties, and to show how it operates in practice" (p. v). Mr. Keeton's two volumes not only reach these objectives; they constitute a veritable encyclopedia. More than 225 pages of appendices add to the value of this comprehensive treatment. The author has so well summarized his own conclusions that the reviewer need do no more than quote: "The system is not an ideal one, and its defects have not been overlooked; but it is submitted that a study of China's foreign relations in the last two centuries proves extraterritoriality to have been an inevitable condition of intercourse. That it is a temporary condition, the recent report of the Extraterritoriality Commission sufficiently shows; but it is a condition which must remain until a single government, whose authority is recognized in every Chinese province, is established. Chinese statesmen, indeed, admit as much, and the Western sympathizer with China's struggle towards full nationhood can only regret that the efforts of those statesmen—evidenced, amongst many other things, by such solid achievements as the new Law Codes—have hitherto not been permitted to reach their logical conclusion."

In concluding this composite review the writer realizes that it has been impossible to give in such small compass adequate reviews of so many books. Not as an oracle, but simply as one interested in this field of study, he undertook the task suggested to him in the hope that a broad survey of recent literature on the problems of the Pacific might have a modest utility if in some small measure it helped the people of the Occident to understand the people of the Orient.

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LAW AND ACCIDENT IN HISTORY

SOONER or later the historical practitioner, if philosophically minded, pauses in his professional labors to meditate upon the processes of history. The result is likely to be an interpretative essay or an occasional academic address. In the case of Mr. John Buchan, it is the Rede Lecture for 1929, delivered by him at Cambridge and since published.¹ Though very brief—it can be read from cover to cover in a quarter of an hour—this is distinctly not negligible. It invites reflection upon two different ways of thinking about the past. There are historians who look upon historical development as subject to what they regard as controlling laws. Others are impressed with what seem to have been chance occurrences and their momentous consequences.

A great deal of history, from first to last, has been written in the shadow of St. Augustine and the theological doctrine of predestination. Events have been viewed as taking place under an overruling Providence; the historic process has been seen as an unfolding of the changeless Will of God. St. Augustine is not one of the patrons of our modern historical guilds, and no great amount of history is written nowadays avowedly from the predestinarian premise. But it would be rash to deny that habits of thought formed when Theology was the Queen of Sciences have contributed to the attitude of some modern historians who profess that their point of view is purely scientific. The following extract from Professor Cheyney's *Law in History and Other Essays* illustrates this attitude:

Examined closely, weighed and measured carefully, set in true perspective, the personal, the casual, the individual influences in history sink in significance and great cyclical forces loom up. Events come of themselves, so to speak; that is, they come so consistently and unavoidably as to rule out as causes not only physical phenomena, but voluntary human action. . . . Providence, fate, destiny, law, has controlled the affairs of man, as it has of men, as it controls all things. . . . Human history, like the stars, has been controlled by immutable, self-existent law, by what Mr. Gladstone in his sonorous eloquence once described in Parliament as "those great social forces which move on in their might and majesty, and which the tumult of our debates does not for a moment impede or disturb."

¹ *The Causal and the Casual in History*. Cambridge, Cambridge University Press, 1929; 46 pp.

The other point of view was thus clearly expressed by Seeley in his *Expansion of England*:

Historians are sometimes ridiculed for indulging in conjectures about what would have followed in history if some one event had fallen out differently. "So gloriously unpractical!" we exclaim. Now it is not for the sake of practice, but for the sake of theory that such conjectures are hazarded, and I think historians should deal in them much more than they do. It is an illusion to suppose that great public events, because they are on a grander scale, have something more fatally necessary about them than ordinary private events; and this illusion enslaves the judgment. To form any opinion or estimate of a great national policy is impossible so long as you refuse even to imagine any other policy pursued.

The first historian whom I have quoted proceeds, with all due modesty and without any pretense to finality, to formulate certain tendencies which he sees at work in history and which he thinks of as laws of history, "to be reckoned with, much as are the laws of gravitation, or of chemical affinity, or of organic evolution, or of human psychology." We need not concern ourselves here with these particular tendencies, but rather with the reasoning which seems to him to afford justification for regarding them as laws.

On the morning of the tenth of August, 1588 [he writes], the last and most eventful day of the running fight of the English fleet with the Spanish Armada, the wind blew steadily from the southwest. As the day wore on it rose to the force of a gale; the Spanish ships as they emerged from the harbor of Calais, unmanageable and harried by the English, drove northward before the wind, past the mouth of the Scheldt, for which they were bound, and through the North Sea, till after a long and stormy course around Scotland and Ireland, broken and scattered, they regained the Spanish and Portuguese harbors. If the wind on that critical day had blown from some other quarter, the Invincible Armada might have justified its name and effected the invasion of England. What an overwhelming influence on the course of events to be exercised by a mere vagary of the weather! . . . Although the wind blew from the southwest on the tenth of August, 1588, it did not blow adversely for the Spaniards through the whole eighteen years of the Elizabethan war. Yet Spain never successfully invaded England. Moreover, as we compare the two countries it becomes doubtful whether, even if Spanish troops had landed on the shores of England, any serious influence would have been exerted on the general course of the history of the two countries. Spain, overstrained by too ambitious undertakings, unsupported by adequate economic resources, deficient in statesmanship, was an anæmic giant, holding her predominance in Europe with a constantly slackening hand. England, of youthful vigor, hardening Protestantism, rapidly increasing

wealth, an exhilarating sense of her own nationality, was of almost unlimited, if undisciplined, powers, and was especially resistant to all forms of foreign control. Whether a Spanish or an English wind blew on a certain day really made little difference. England was bound to remain independent of Spain.

It will be remarked, in the foregoing, that the southwest wind of August tenth, 1588, is considered to be the decisive cause of the failure of the Armada to reach England. Assuming that this opinion is correct, we are not concerned with the blowing of the wind during the following years. What actually prevented the Duke of Parma's veterans from coming to grips with the English militia was that southwest wind, and the causes of this were wholly unrelated to "great cyclical forces". It is not asserted that there was Design in that wind, but merely that it was immaterial to the final result, which was determined by historic law. England, we are asked to believe, was "bound" to remain independent of Spain as the planets are "bound" to remain in their orbits.

Now with regard to the planets, they do not remain in their orbits because of the law of gravitation. The non-scientific mind is perhaps disposed to look upon natural law with undue reverence. For the scientist, who is more familiar with its character, it has no coercive power over phenomena; it is not a mandate which they *must obey*. For him it is nothing other than a generalized statement or description of what is observed to happen. It is provisional truth, not ultimate truth. As a scientist he is not concerned with ultimate truth, which he leaves to those (perhaps including himself in his non-scientific moments) who believe that it is possible to transcend the world of sensory experience. The Newtonian law of gravitation is, in essence, a generalized description, in terms of mechanics, of how the planets appear to move, based upon the observed regularity of their motions.

But there is no such regularity in the course of historical phenomena. The investigator cannot recall the antecedents of an historic event and make them exist again, and it cannot, therefore, be established by observation even that identical conditions, if they could be made to recur, would lead to identical results. Laws analogous to those of astronomy or physics cannot be induced from the historian's data. The test of a natural law is its reliability as a basis for prediction. The historian detects what seem to him to be general tendencies, but general tendencies are not natural laws, and nothing but confusion comes from regarding the two as identical.

Newton's first law of motion runs as follows: "Every body perseveres in its state of rest, or of uniform motion in a right line, unless it is compelled to change that state by forces impressed thereon." Suppose that it read in this wise: "Bodies at rest show, as a rule, a strong tendency to remain at rest, or nearly at rest, and bodies in motion normally continue in motion, usually without marked change of velocity or striking deviation from a rectilinear path, unless acted upon by some force or other influence." The law would then be as definite as so-called laws of history, but it would be worthless for purposes of accurate prediction.

Even if the historian could be as sure of his facts as the natural scientist is of the events that he records in his laboratory, it would remain true that every historical happening has a complex of antecedents that might have been effective in causing it, and there is no means by which it can be determined which ones had decisive influence. "The defeat of Blaine", writes Professor Muzzey, "was attributed to various causes—the Mugwump revolt, the Burchard incident, the Mulligan letters, the last flicker of Stalwart revenge in Conkling's refusal to support his old rival, the commercial depression and 'panic' of 1884 and the bad weather on election day." Let us assume for present purposes that this is an exhaustive list of the antecedents of the defeat of Blaine, though of course it is not. How can we measure their relative influence and compare the effects, say, of commercial depression with those of the partisan indiscretion of an overzealous clergyman? We cannot reset the stage, call back the actors and reproduce the election of 1884, eliminating one antecedent and then another, and recording the difference in the outcome. We have no right to say that the Mugwump revolt was a more *fundamental* or a more *decisive* or even a more *important* cause of the defeat of Blaine than the rain was. The only clear causal advantage that it seems to have over the weather is that it is a better talking point.

In the kaleidoscope of the past [says Mr. Buchan] we cannot, as a rule, sort out effects and causes with any precision, nor can we weigh events in the meticulous scales which science demands. Even when causes are reasonably plain, their classification eludes us. We cannot tell which is the *causa causans*, which are proximate, or efficient, or final. We must be content with generalisations which are only generalisations and not laws, with broad effects and massed colours.

If our champion of historical law was thinking teleologically, his opinion that England would have developed as it has, if the wind had blown from a different quarter on that August day, would imply

that some Final Cause, presumably the Will of God, has preordained the course of events as they have actually taken place—in which case speculation as to what would have happened, if something had occurred which did not occur, becomes an impertinence if not something worse. But if, as is probably the case, his opinion was based on the belief that at the time in question other influences were in operation which, in the aggregate, would have counteracted any results of a Spanish landing on English soil, it is an unconfirmable opinion, grounded upon nothing more solid than a weighing of conjectural probabilities. In this event, such speculation is entirely legitimate and may even be profitable. If there *are* crucial situations in history, conjecture about “might have beens” will stimulate keener appreciation of their critical character. The student of history is in a better frame of mind for understanding the panic in some of our northern cities in the early summer of 1863 if he thinks of what might have happened if Lee had won at Gettysburg than if he thinks in terms of controlling historic law. Lee himself said, and he was not given to winning battles by conversation, that the Confederates would have won if Stonewall Jackson, who had been *accidentally* shot by his own men two months before, had been at Gettysburg. “To reflect how easily the course of things might have been different”, says Mr. Buchan, “is to learn perspective and humility.”

In days gone by excessive claims were made for the “great man” theory of history, and at present it is badly discredited. Few of us, certainly, would agree with Carlyle that everything which has been accomplished is the realization and embodiment of the thoughts of great men. The content of history as written has been vastly enlarged since Carlyle’s time, and his interpretation seems more cramped and more extravagant to us than it did to his contemporaries. The common man in history is now having his inning. But it does not follow that the great man has really been of no account, as might be supposed from much recent historical literature. He is, however, as Mr. Buchan observes, “a terrible nuisance to the lover of dapper generalities”. The embarrassed exponent of law in history is driven to ignore him, or deflate him to the stature of surrounding mediocrity, or submerge him in “movements” and “forces”. A judicious historian of our day puts the case for the great man thus:

It is true that no individual, no matter how vast his apparent historic importance, can alter the historic process in *any* direction he might choose; but because he cannot make himself felt unless he is in harmony with the social forces of his time, are we to assume offhand that

those forces accomplished everything and that the influence of the "great man" is wholly negligible? May he not give just the deflection at any given time which may set those forces in a direction which they would not otherwise have taken, with incalculable results?

Mr. Buchan's emphasis of the casual and the accidental in history is probably to be accounted for, in part at least, by the fact that he is a military historian. To judge from recent historical textbooks, military history seems to be under about as dark a cloud as the great man theory. It was overdone, no doubt, in the older manuals, which gave insufficient attention to economic, social and cultural history, and it is not strange that a reaction set in. But it may be suspected that one reason for the present studied neglect of military history is that it does not offer hopeful prospects for historical interpretation in terms of Mr. Gladstone's "great social forces". The most *Zeitgeist*-ridden historian would find difficulty in persuading his readers that General Desaix *had* to arrive on the field of Marengo just in time to turn into a victory for Napoleon what had every appearance of imminent irretrievable disaster. It is easier to leave Marengo out, though there is excellent reason for regarding it as critical in Napoleon's career.

What has been said should not be taken to imply the opinion that historians ought to concentrate upon what look like accidents and personal influences, neglecting the effects upon historical development of such factors as geography, climate, race, economic conditions, social habits, religious beliefs and philosophical systems. But nothing takes place until all its antecedents have occurred, and among these are events that it seems impossible to account for as even probable results of *their* known antecedents. The student of history should realize that "trends" and "tendencies" in history are generalizations, based necessarily upon a selection of facts, and that a different selection would often support a different generalization. It is well that he should be skeptical of such expressions as "fundamental cause", "irrepressible conflict" and "inevitable result". He may ponder to advantage over Sainte-Beuve's words, which Mr. Buchan quotes:

History seen from a distance undergoes a strange metamorphosis; it produces the illusion—most dangerous of all—that it is rational. The perversities, the follies, the ambitions, the thousand queer accidents which compose it, all these disappear. Every accident becomes a necessity . . . Such history is far too logical to be true.

ROBERT LIVINGSTON SCHUYLER

REVIEWS

British Documents on the Origins of the War, 1898-1914.

Edited by G. P. GOOCH and HAROLD TEMPERLEY. Volume III: *The Testing of the Entente, 1904-1906* (1928; xlii, 487 pp. \$3.00). Volume IV: *The Anglo-Russian Rapprochement, 1903-1907* (1929; lii, 656 pp. \$3.50). Volume V: *The Near East, the Macedonian Problem and the Annexation of Bosnia, 1903-1909* (1928; lxix, 886 pp. \$5.50). London, His Majesty's Stationery Office; New York, British Library of Information.

These latest volumes of the British collection are substantially larger than the first three that were published. In all three volumes together there are 1,871 documents, covering the period from 1903 to 1909. Taken by and large, there is very little in these three volumes that could upset the judgments already formed by the leading scholars on the basis of material previously published. The value of these documents lies chiefly in the fact that they corroborate views which hitherto could not be supported by official evidence, but this does not mean that they do not illuminate various obscure points or that they do not help to explain the attitude and psychology of the directors of British policy.

Volume III begins where volume II left off. The Anglo-French Entente, which was based primarily on the exchange of a free hand for France in Morocco against a free hand for England in Egypt, had already been concluded, and Delcassé was free to continue his efforts to realize on the Moroccan situation. It becomes clear from chapter xvii that the earlier negotiations between France and Spain (in 1902) had never been completed because of the insistence of the Spaniards that the English should be initiated and because of the fear of the French that the Madrid government would draw the German government into its confidence. The Spaniards were profoundly dissatisfied with the Anglo-French settlement, but in the end were obliged to content themselves with far less extensive concessions than those which had been offered them in 1902.

In the meantime the negotiations between Paris and Madrid were watched with great uneasiness in Berlin (nos. 48, 61). It may well

be that the French efforts to draw the Spaniards into the Moroccan bargain had something to do with the change of German attitude in the autumn of 1904. The Germans began to doubt whether German commerce would be given fair treatment by the French (no. 62). Added to this was unquestionably a pronounced misgiving about the Anglo-French friendship. As early as December, 1904, Bülow was referring in conversation with the English ambassador to the apprehension in Germany lest the British were planning to *Copenhagen* the infant German fleet (no. 65). There followed reports of the activities of the French mission in Fez, to the effect that France was claiming a European mandate to introduce reforms. The Germans had a good legal case, as they had not even been officially informed of the Anglo-French agreement. Sir Arthur Nicolson himself admitted that the German demand to be consulted was a "perfectly legitimate one" (no. 66). But the clumsiness of the German policy was inexcusable. The Kaiser's visit to Tangier, the demand for a conference, the pressure brought to bear to effect Delcassé's downfall were confusing and misleading. Neither Delcassé nor his successor, Rouvier, was able to make out just what the Germans wanted.

Because of the general uncertainty rumors were soon afloat that the Germans aimed at the acquisition of a port on the Moroccan coast and that they were bent primarily on driving a wedge into the Anglo-French entente. In this way the English were brought upon the scene. There is no evidence in these volumes to show that King Edward or any British minister ever offered to support France with armed forces, but Lord Lansdowne took the initiative in suggesting that the two governments "should continue to treat one another with the most absolute confidence, should keep one another fully informed of everything which came to their knowledge and should, so far as possible, discuss in advance any contingencies by which they might in the course of events find themselves confronted" (no. 94, May 17, 1905). M. Cambon took this suggestion very seriously, and though it did not amount to an offer of offensive and defensive alliance, as the Germans supposed (no. 97), it seems likely that the readiness of the English to "discuss in advance any contingencies" by which the two governments might find themselves confronted led the French to reckon so strongly on British support that later it was felt that England could not leave the French in the lurch in any trouble that might arise from the Moroccan question.

There is no need to follow the negotiations of the summer of 1905, as the documents do not add materially to our previous knowledge.

It is interesting to note, however, that before the end of June the British representative in Paris reported the reawakening of the spirit of *revanche* (no. 134). The Germans missed an excellent opportunity to negotiate a settlement with Rouvier, who became disillusioned and quite ready to return to the policy of Delcassé. The English, who appear to have watched the discussions between the French and the Germans with some misgiving, were only too glad to promise him "unreserved support" at the conference (no. 204). Even before the meeting of the conference the German policy was defeated, for it was reasonably clear that not only England, but Spain and Italy would support the French view.

In Paris it was feared that the unfavorable position of the Germans would drive them to take desperate measures, and from these apprehensions arose the well-known French demand for a promise of English armed support. These documents add little to what has already been known from the Grey memoirs in regard to this matter. No definite engagement was taken, but Grey assured Cambon that in his opinion "the force of circumstances bringing England and France together is stronger than any assurance in words which could be given at this moment" (no. 219). Conversations between the military and naval authorities were sanctioned, and the extensive negotiations between Barnardiston and the Belgian chief of staff, General Ducarne, were initiated. This correspondence is printed at length in this volume, and makes highly interesting reading. Even the finest details were entered into by the English authorities.

The material on the Algeiras Conference is very full, but makes dreary reading. The important contribution on this point is the evidence of British consistency in backing the French view, especially in respect to the knotty police question. Grey realized to the full all that this involved. In a memorandum of February 20 (no. 299) he envisages the possibility of a breakdown, and points out that the French were firm in the belief that England would support them to the limit. If disappointed they would never forgive the London government. The United States would despise England, Russia would be unwilling to come to an agreement with so perfidious a power, and Japan would look elsewhere for support. All of which shows how easily Grey slipped into the attitude that France must be supported for England's own good. England was, in fact, already committed in a way. When Grey took the stand that the French would be blamed if they rejected the Austrian compromise the French took umbrage and the English minister had to give assurance that

"cordial coöperation with France in all parts of the world remains a cardinal point of British policy" (no. 357). "In some respects," he adds in writing to the British ambassador at Paris, "we have carried it further than the late government here were required to do."

Volume III ends with an interesting chapter on Anglo-German relations after Algeciras. In Germany there was a pronounced desire for a *rapprochement*, and it was the Kaiser who invited Haldane to pay his visit to Berlin. The abstracts from the Haldane diary (no. 435) are quite fascinating. Bülow explained the German naval policy and pointed out that an Anglo-German conflict would be a *fearful calamity*, a long-drawn struggle from which the United States would derive the benefit. Haldane on his part defended the two-power standard, which was regarded in England as "sacred as the Gospel". The relations between Germany, chastened by her Moroccan experience, and England, frightened by a look over the precipice, were certainly more cordial than they had been for some time. But the long memorandum by Eyre Crowe, dated January 1, 1907, shows that his distrust was hardly diminished. This memorandum is easily the most interesting document in the volume, and must be read to be appreciated. Crowe notes that the idea of securing "greater freedom in regulating their general foreign relations" can hardly have been absent from the minds of the French and English statesmen who concluded the entente. Crowe is firmly convinced that the German Moroccan policy was designed to break the entente and that the German interests in Morocco were simply meant to serve as a "stalking horse". But Germany overreached herself and failed to reach an agreement with Rouvier when this would have been easy. Germany's great mistake was that she underestimated the strength of English feeling. The upshot was that the Moroccan crisis had given the entente a new significance: "there had emerged an element of common resistance to outside dictation and aggression, a unity of special interests tending to develop into active co-operation against a third Power". Lord Sanderson, when consulted, disagreed with much of Crowe's argument, and thought that there could be no doubt "that M. Delcassé was steadily pursuing a series of manœuvres for the purpose of isolating Germany and weakening her alliances", but it is clear from the minutes of other members of the foreign office, and, for that matter, from Grey's memoirs, that Crowe's interpretation was generally accepted as correct and continued to influence the English view.

The fourth volume is the most valuable and informing of all those

published to date, for it deals with the Anglo-Russian *rapprochement*, on which there has been very little authentic information available. The earlier chapters of the volume take up the Dogger Bank incident, and show how serious the situation was at one time, when the British ships were ordered to Gibraltar. Another section centers about the Straits question during the Russian-Japanese War, and includes a very interesting memorandum of Sir Charles Hardinge reviewing the problem historically. In this connection there is a citation from a report of the Defence Committee dated February, 1903, which shows that the admiralty set little store by the maintenance of the existing arrangements. Freedom of exit for the Russian warships, it was stated at that time, "would not fundamentally alter the present strategic position in the Mediterranean" (no. 55). The chapters on the conclusion of peace between Russia and Japan and on the renewal of the Anglo-Japanese Alliance are of great importance, and add materially to what has been hitherto known. Roosevelt's activity is set in high relief, and it is interesting to note that the Japanese raised the question of the possibility of including the United States in the renewed Anglo-Japanese pact (no. 111).

But the backbone of the volume is the correspondence between England and Russia that led to the agreement of August, 1907. It appears that negotiations were opened in November, 1903, and the general outlines of an agreement sketched. By mutual consent the discussions were postponed during the Russian-Japanese struggle, though Edward VII continued to stress the desirability of a settlement (no. 184). Both Lamsdorff and Benckendorff seem to have been sincerely desirous of coming to terms as soon as conditions would permit. But after the Peace of Portsmouth Count Witte, who was the Kaiser's guest in his passage through Germany, became a convert to the idea of an understanding with Germany and the formation of a Franco-Russian-German bloc to counterbalance the Anglo-Japanese combination (nos. 193, 195). It was evidently at his instigation that the French were approached in this matter, but Lamsdorff's heart does not appear to have been in the business and the refusal of the French to consider such a policy was probably anticipated (nos. 198, 201, 203).

At any rate the discussion of an agreement with England was taken up again almost immediately after the war, and already in January, 1906, Benckendorff was hinting at the desirability of an arrangement in regard to the Straits question (no. 208). Actual negotiations began in May, but the domestic crisis in Russia made the Eng-

lish cautious. Grey himself wrote: "I cannot see how things are to come right in Russia till the present organization and machinery of Government is broken up, and that can only be done by Revolution" (no. 227). In spite of this sound view he was, however, ready to go on as soon as circumstances permitted. It was Izvolski who proceeded with circumspection. All through he showed the greatest anxiety not to estrange Germany and not to commit himself too far. The French ambassador thought him "*très fuyant*" and very careful about making definite statements, while Nicolson considered him "nervous, somewhat timorous of responsibility, and most susceptible to criticism" (nos. 243, 312). It was clear that the court circles and the military men were not in favor of the agreement and that they had little use for the abandonment of any part of Persia to English influence. It was evidently in order to help matters along that Grey took advantage of a hint dropped by Benckendorff in February, 1907, to dangle before the Russians the prospect of concessions in the Straits question if a satisfactory arrangement were made in regard to Asia (nos. 250, 257 *et seq.*). Izvolski "beamed with pleasure" when he got news of the English attitude, and while he was obliged to agree that it would not do to settle an international question *à deux*, he pinned down the English by a memorandum (no. 275).

The rest of the volume is taken up with the correspondence in regard to the three points in the agreement, Tibet, Persia and Afghanistan. The negotiations in respect to the first and third of these points may be gone over here, as being of relatively minor importance, but the material on the Persian settlement is of great interest. The parts of the Curzon despatch of September, 1899, which had not yet been published, open the series (no. 319). Here one finds the suggestion that spheres of influence should be established by agreement with Russia. But the Russians were not disposed to accept the suggestion and the English decided, in the end, to consider even the possibility of including in the Russian sphere a part of the Persian Gulf coast (no. 347). Apparently the Russians gave up their objections to the division of the country into spheres when the negotiations were resumed after the war with Japan, though Izvolski rejected the English suggestion that the Persian government should be induced to agree not to grant concessions to third powers in the Russian and English spheres (nos. 370, 388). This, he insisted, would amount to closing the door, and would lead to German opposition. The dread of German action was clearly a

strong consideration throughout the negotiations, especially on the Russian side. Even after the settlement had been reached Izvolski was apprehensive of the German attitude (nos. 546, 548), though Grey was well satisfied: "Ten years hence", he wrote to Nicolson on February 24, 1908, "a combination of Britain, Russia and France may be able to dominate Near Eastern policy; and within that time events will probably make it more and more clear that it is to the interest of Russia and us to work together: but we must go slowly" (no. 550). This is the last document in the series, and indicates that the Anglo-Russian agreement, too, was regarded in London as a program for the future as well as a liquidation of the past.

Although it cannot be said that the bulky fifth volume of this series contains any "revelations" of prime importance, it is certainly one of the most interesting volumes to read, because it cuts into one of the key problems of pre-war diplomacy and supplies the student with authentic material on British policy, material which has been sadly lacking to date. The whole first part of the volume is taken up with documents which review the Near Eastern situation in the years prior to the Young Turk Revolution. The annual reports on Turkey for 1906 and 1907 are crammed with valuable information about Turkish statesmen, and about the press, the educational system, the administration, the army and navy, and the general international relations of the empire. There follow several sections dealing with the Macedonian problem, from which the student can derive a vivid picture of the Bulgarian, Serbian and Greek activities and the connivance of the Balkan governments.

With the section taking up the Reval meeting of June, 1908, the reader is brought to the eve of the Young Turk Revolution. There is nothing in this section, however, that adds much to what has been known from Grey's memoirs and from the Lee biography of Edward VII. It is interesting to note that Lord Fitzmaurice shared an opinion that was widely held that this meeting precipitated the revolution in Turkey (no. 210). The account of the Young Turk movement itself is very instructive and indicates that the English statesmen appreciated keenly its implications. Lowther doubted whether the Young Turks would live up to their slogans, and Fitzmaurice predicted that the movement would lead to an increase of aggressive nationalism on the part of the Turks (nos. 205, 210). Grey, however, was more impressed with the Anglophilism of the new régime and almost from the start promised it full diplomatic support (no. 204).

The documents bearing on the famous Bosnian annexation crisis are very numerous and full, but they do not add much to our knowledge of Austrian, Russian or German policy. The evidence concerning the Buchlau interview, for example, simply confirms the prevalent opinion that both Aehrenthal and Izvolski were cryptic in their utterances and evasive and that Izvolski labored under the erroneous impression that Aehrenthal would wait with the proclamation of the annexation until his Russian colleague had had time to square the other powers in the matter of the Straits. There is sufficient evidence in this volume to show that the English statesmen from the beginning had no exaggerated idea of Izvolski's veracity and that they took it for granted that he had given his approval of the annexation either directly or indirectly. It is interesting to note that the Austrian ambassador at London informed Hardinge unofficially on October 3 of the coming annexation, that is, on the very day that the premature announcement was made to the French president (no. 287). As for the English attitude, Grey's stand was taken from the very start. On October 5 he told the Turkish ambassador that England would support a Turkish claim for compensation (no. 296). But this policy did not rest upon approval of Izvolski's tactics or upon faith in the justice of the Russian cause. Grey's attitude throughout was determined by his desire to save the new Turkish régime and give it all possible support. This comes out most clearly in the course of the negotiations between Grey and Izvolski in London, which turned on the question of a conference and the Russian desire to secure a change in the Straits regulations. The numerous documents bearing upon these discussions are among the most valuable in the volume. They show that Grey was ready enough to make concessions, but that the cabinet insisted on something like reciprocity, if only for "shop window ware", and that Grey himself was unwilling to do anything contrary to the desire of the Turks. Since the Turks insisted that they were dead opposed to any change, the notes exchanged between Izvolski and Grey were of purely theoretical value (nos. 358 *et seq.*). In this whole matter the French government carefully avoided any open opposition to Izvolski and allowed the English to take the lead, so that the old legend of Clemenceau and Pichon wrecking the Russian plans should at last be laid to rest.

To the reviewer it seems that the most important part of the long chapter dealing with the Austro-Serbian dispute is that which reveals the negotiations between the Serbs and the Turks and the various projects advanced in the autumn of 1908 for the formation

of a Balkan League to include Turkey, to serve as a bulwark against the Austrian *Drang nach Osten*. On this important episode we have had no material of value to date. It now appears from these British papers that the English government, while deprecating the idea of an offensive pact, thoroughly approved of the formation of a defensive league, urged it upon the governments concerned and enjoyed the full confidence of the Serbian government in this matter. After months of discussion the pourparlers ran out, but the subject is of sufficient importance to warrant a detailed examination by students of pre-war diplomacy.

Of the English attitude toward the Austrian-Serbian dispute it need only be said that Grey had no sympathy with the Serbian stand: "I have not, myself, much sympathy with the clamor of Servia and Montenegro for territorial compensation. . . . But I do not want to cold-shoulder Isvolsky on the Servian question, if the Russians are keen about it, and I will do my best to support him" (no. 412). He warned the Serbs not to provoke Austria, but it was generally felt in London that Russia must take the lead and that England could not afford to deny her support. It was made clear to Izvolski, however, that the English could not go beyond diplomatic support in any case. If the Russian minister had been wise, he would have executed a graceful retreat, for he was certain that the Germans would stand behind the Austrians to the end. Instead of that, he more or less encouraged the Serbs and contented himself with bemoaning the cool attitude of the French, who, he claimed, had gone over bag and baggage to the Austrians (no. 612). Under the circumstances an acute crisis was inevitable, and the Serbs replied to the Austrians in what the English considered an insolent manner (no. 683). The difficulty was finally solved by the famous German note to Russia on March 23, which Izvolski described as a "diplomatic ultimatum" and to which he promptly yielded. The English were indignant about this deplorable "capitulation" and put no stock in Izvolski's claim that the Germans and Austrians were under one cover and that a refusal on Russia's part would have led to the immediate invasion of Serbia. There would at least have been time to consult Paris and London, and Izvolski could have made his acceptance of the annexation conditional upon the Austrian acceptance of the Serbian assurances, as the English did: "Had he [Izvolski] given a reply such as we gave to Metternich it would have been impossible for the Germans to base an ultimatum upon it", wrote Hardinge to Nicolson (nos. 807, 823). Cartwright's explanation

of the affair was that the Russian minister "collapsed not before the threat of war, but before the threat of the publication of his own letters" by Aehrenthal (no. 829). Later on, after Izvolski had come to see that the incident was not much to his credit, he denied everything and pictured himself as the "innocent lamb who had been destroyed by the wicked wolf". In regard to the German note he maintained that "nothing approaching an ultimatum" had been presented to him. On the contrary, Pourtalès had come "like a cooing dove bearing a message of peace" (no. 870). All of which does not serve to put Izvolski in a more favorable light. The fact is that he knew Russia could not go to war, that France could not be counted upon and that England would not go beyond diplomatic support, while the Germans made no secret of their determination to support their ally to the utmost. Yet he allowed the crisis to develop and exposed not only himself, but his friends, to a serious diplomatic defeat.

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The Tragic Era: The Revolution After Lincoln. By CLAUDE G. BOWERS. Cambridge, Houghton Mifflin Company, 1929.—xxiv, 567 pp. \$5.00.

For many years writers dealing with the subject of the reconstruction of the so-called rebel states following the Civil War have regarded that episode in our national history as at best a mistake and at worst a tragedy. There has been no unanimity, however, in placing responsibility for the blunder. Older writers of the period 1880 to 1905, such as Rhodes and Burgess, to say nothing of such partisans as Sherman and Blaine, castigated Andrew Johnson and the southern leaders who would not accept the Fourteenth Amendment as a "magnanimous offer of a generous nation". Southern writers, many of whom prepared monographs upon some phase of the subject under the supervision of the late Professor William A. Dunning, tended to vent their wrath upon the heads of the carpet-baggers and scalawags. And now comes a group of writers who in the main place the whole blame upon the radical Republican leaders in Congress by whom the reconstruction legislation was enacted. At the same time they present Johnson as a martyr in the sacred cause of constitutional consistency.

Of these recent books, *The Tragic Era* by Claude G. Bowers is

most noteworthy, because of its inherent excellence and the standing of its author as a journalist, publicist and historian. Mr. Bowers wields a facile pen with little of that restraint which characterizes the historian who has gone through the mill of a modern university graduate school. With zestful forthrightness he belabors the radical senators, representatives, carpet-baggers, scalawags and "smart niggers" of the 'sixties and 'seventies until hardly a head remains uncovered with gore.

While confessing to a keen enjoyment of Mr. Bowers' arraignment of the radicals both in Washington and in the southern state capitals, the reviewer does not find himself in entire accord with the major thesis. Mr. Bowers, like many of his forerunners, is at some pains to point out that in all its essentials Johnson's policy was merely a continuation of that of Lincoln. Therefore it was good. But was it? To answer this question, it is necessary to subject Lincoln's policy to brief scrutiny. Every nation must have its Bayard *sans peur et sans reproche*. Lincoln is our Bayard. But as Aristotle pointed out long ago, a good man is not necessarily a good statesman. It is not here suggested that Lincoln was not for the most part a good statesman as well as a good man, and indeed it is with no little hesitancy that the wisdom of his reconstruction policy is brought into question. Yet candor compels an honest critic to submit that the attitude of Lincoln toward the status of the seceded states was metaphysical if not quixotic, while his policy of reconstruction was inept if not unconstitutional.

As is well known, Lincoln adopted at the beginning and maintained to the last the theory that the eleven seceded states were not out of the Union; that certain illegal combinations of persons within their borders were preventing the real states from functioning in their proper relation to the Union; that the war was not in fact a war at all but a rather sizeable riot; that as soon as the rioters were dispersed the real states could resume their proper relation to the Union again, but only in such manner as the executive, not the legislative, branch of the federal government should dictate. If the first and third of these assumptions could be maintained by metaphysical or legalistic disregard of practical reality, the second was surely contrary to fact, for secession had been ordained by legally elected state officials. A reconstruction policy based on such premises was bound to be both illogical and inept. When President Lincoln instructed the military governors of Louisiana, Arkansas and Tennessee to call constitutional conventions which should establish civil gov-

ernments when ten per cent of the voters of 1860 had taken the oath of allegiance, he violated every principle of democracy which he professed to believe. Despite the failure of these ten-per-cent governments to attract popular support, Lincoln's undue solicitude for them led him into the colossal blunder of vetoing the Wade-Davis bill for reconstruction.

Johnson, therefore, inherited a policy without congressional sanction. With the termination of the war, he could not even claim the vaguely defined "war powers" of the presidency as justification for continuing Lincoln's course of executive reconstruction. His persistence was disastrous.

Had Johnson asked Congress in 1865 to legislate on the subject, it is quite conceivable that reconstruction might have been more expeditious and less bitter. What is perhaps more important, there might have been a less enduring sectional antagonism to obstruct the development of the Republican and Democratic parties along different lines, the former as a business men's party, the latter as the champion of farmer and labor. And Mr. Bowers would not have been under the necessity of penning the following epitome, pregnant with justice and wisdom:

The party purpose avowed by Thaddeus Stevens had been served (1877), and the dominant party no longer required the negro vote or the South. Power had passed, during the revolution, from the agriculturist to the industrialist and the financier, and these, more powerful than the politicians, had become the party's working allies. A degree of centralization not dreamed of in other days had been realized. State rights were to be denounced for forty years as the equivalent of treason. A new order had been established, built upon the ruins of the old. The Jeffersonian Republic that came in with the revolution of 1800 gave way to the Hamiltonian Republic brought in by the counter-revolution of 1865-76 (p. 538).

In presenting the foregoing views the writer has not wished to condone the excesses committed by the radical Republican leaders during the years following their break with Andrew Johnson. The intention has been to suggest that their actions were made possible if not dictated by the exigencies of what in the first place was a justifiable determination on the part of Congress to call into question the overgrown pretensions of the executive. It does not appear that Mr. Bowers and the other recent writers have made out their case for the acquittal of Andrew Johnson. The fact that many of Johnson's contemporary calumniators were themselves narrow-minded, vulgar,

hypocritical, malevolent and frequently downright dishonest, should be pointed out, and the cause of historical truth has been well served in performing that unhappy task. But this should not obscure the more important fact that, in the last analysis, the many unfortunate consequences of reconstruction to the nation in general and to the South in particular, had their origin in the mistaken policy of two well-meaning presidents who at a critical period in the nation's history attempted to overstep the legitimate bounds of executive authority.

B. B. KENDRICK

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Trade Associations: The Legal Aspects. By BENJAMIN S. KIRSH. New York, Central Book Company, 1928.—271 pp. \$5.00.

Most of the literature in regard to trade associations deals with their economic rather than with their legal aspects. This makes Mr. Kirsh's book particularly timely and useful. As a former assistant to the United States Attorney in New York prosecuting anti-trust cases, and as member of a firm specializing on trade association practice, he is well qualified not only to describe the development and present status of the law but to tell other practitioners just what they would wish to know about the trend and significance of the decisions on different phases of trade association activities. In his initial chapter on Trade Association Law he traces the growing liberality of the courts, which began by condemning *all* combinations in restraint of trade as unlawful but since 1911 have condemned only those in *unreasonable* restraint, the test being, as so clearly stated by Justice Brandeis, "whether the restraint imposed is such as merely regulates and perhaps thereby promotes competition or whether it is such as may suppress and even destroy competition" (page 18). His citations from decisions fully warrant the author's conclusion that "the latest Supreme Court opinions evidence a judicial attitude founded on sympathy and understanding rather than on suspicion, hostility and negativity" (page 12).

Following this general survey, Mr. Kirsh discusses in successive chapters the legal aspects of the major activities of trade associations — collecting statistics, installing uniform cost-accounting systems, maintaining credit bureaus, pooling patents, promoting foreign trade, establishing basing points, joint purchasing, standardization, improving trade relations and regulating the channels of commodity

distribution. Each chapter, after describing the activity to be discussed, reviews the important cases relating to it and formulates conclusions as to what is permissible and what is prohibited. For example, chapter iii on Uniform Cost Accounting Methods, after emphasizing the importance of comparable cost data and the necessity of uniform methods of accounting as a means of securing them, concludes with a clear and useful summary of the methods that have received judicial sanction. The chief points are that the statistics must be accurate; they must be informative and free from any implied recommendation or criticism; they must be made available to the trade, buyers as well as sellers, and not kept secret; they must not be given out in a way that will identify the individual firms supplying them; they must be supplied freely and not because of penalties suggesting restraint or compulsion. Finally, there should not be a system of spying on members, but the arrangement should rest upon good faith. As this summary shows, the discussion is concrete and leads up to conclusions sure to be helpful to those concerned with shaping the policies of trade associations.

Valuable as is this book to those for whom it is primarily intended, it is less critical and incisive in its treatment of cases than students of the development of the law could wish. For example, in the discussion of the four most famous trade association cases, the *Hardwood*, *Linseed*, *Maple Flooring* and *Cement* cases (chapter ii), the sharp diversity of view that prevails touching the cogency of the opinions submitted is scarcely indicated. The reader would have to seek elsewhere to learn that in the opinion of another able student of these cases "it is futile to attempt any rational reconciliation" of them (Professor M. W. Watkins in Supplement to *American Economic Review*, March, 1926), and that underlying them was a change from a period of rising prices to a period of falling prices that greatly influenced the views of the justices. This is not a reflection on Mr. Kirsh. It is intended rather to emphasize the fact that to clarify our anti-trust laws and give them an interpretation at once logically defensible and calculated to advance the public interest, much critical analysis is still called for on the part of both the judges and their critics. The book under review attempts merely to expound the law applying to trade association activities as it is laid down in the latest decisions. It does this not only competently but with a wealth of apt citations and a literary skill unfortunately rare in American books on legal subjects.

HENRY R. SEAGER

The Consumption of Wealth. By ELISABETH ELLIS HOYT.
New York, The Macmillan Company, 1928.—xiv, 344 pp. \$2.00.

The literature of consumption is not only growing but developing. The present volume is broadly conceived, bringing out the many-sidedness of the subject and showing a sense of balance in the attention paid to different aspects. Place is found for the cultural forces expressing themselves in standards of living (to which Miss Kyrk's earlier book devoted much attention), also for the analysis of budgets and of the distribution of purchasing power; for the technical problems of guidance whereby the consumer may get what he wants (so vigorously grappled with by Chase and Schlink); and for the deeper problem of what to want—treated under the "science of consumption for welfare" and the "art" of consumption as distinguished from the "technology". The author has made a distinct advance in the process of feeling out the scope of the field and organizing its variegated parts. Numerous writers must probably contribute before there emerges something like a generally accepted treatment. If one feels that the goal is not yet reached, that is not a criticism of the writers but rather a recognition that the pioneering period has as yet been too short.

To mention one specific point: the chapter on "Aggressive Methods of Sales-Making" certainly does not belong under "Factors Unconsciously Affecting Consumption", nor are sumptuary laws (p. 215) examples of "Consumption Deliberately Controlled by the Consumer". These two generic headings leave no clear logical place for some of the most significant material: namely, deliberate action by agencies external to the consumer himself. Here belong chapters x, xix and xx, and also the material on "standards" and "guidance". Again, the fact that the sociology of culture appears in Parts II and III and again in Part V may or may not be just ground for criticism. An explorer must cross his own previous trails, though he may try to minimize this when guiding parties of settlers. There does, further, seem to be a need for closer relation between chapter x on aggressive salesmanship and chapter xvii on the "technology" of market choices.

Aside from the excellent descriptive material, the things which are likely to remain with the reader are a catholic view of the relative worth of different cultural standards, a keen sense of inadequacies in the present machinery of consumers' choices, and a discriminating and analytical approach to the resulting problem, with a hopeful

view of available agencies of improvement. Doctrinaire individualism is conspicuous by its absence; but slight traces may perhaps be seen in the passage which blames the consumer for his ills (pp. 109-10). After all, how much could he accomplish under present conditions if he "used his head" to the utmost, as an unaided individual? The list of factors beyond his personal control seems somewhat inadequate, as does the suggested way out of the wastes and perversions of salesmanship. But different readers will doubtless disagree on different points. The book bristles with questions challenging further analysis and inquiry, and this may constitute its greatest value, as a step in the exploitation of this very fruitful field.

J. M. CLARK

The Cambridge History of India. Volume III. *Turks and Afghans.* Edited by SIR WOLSELEY HAIG. New York, The Macmillan Company, 1928.—xxxii, 752 pp. \$11.00.

This volume differs from all others that have appeared in the Cambridge series in the extent to which it was written by one man. Sir Wolseley Haig is responsible for sixteen of the twenty chapters. Only the history of Gujarat and Khandash by Sir E. Denison Ross, of the Hindu states in Southern India by Professor S. K. Ayyangar, of Burma by G. E. Harvey, and of Ceylon by Don M. de Z. Wickremasinghe, and the final chapter on "The Monuments of Muslim India" by Sir John Marshall, are exceptions. Approximately the first half of the book presents the direct story of the Moslems in India from the first successful invasion by Muhammad Ibn Qasim in 711 to the death of Ibrahim Lodi at Panipat in 1526. As is indicated by the subtitle, the leading personalities in this varied story were Turks and Afghans. Chapters xv, xvi and xvii follow the story of the Deccan from 1347 to 1599. Nine maps, of which the last is a folding map in pocket, showing British India at the present time, supplement the text. Fifty-one plates, each containing from one to three pictures, amply illustrate the final chapter. Careful bibliographies are appended, as is usual in the Cambridge series. The total of references is, however, very much less than in the average volume. Twenty-three pages of chronology summarize the important events, and twenty-nine pages are devoted to dynastic lists and chronological tables. The transliteration falls somewhere between a liberal use of Anglicization and a rigid adherence to the system of transliteration

used officially by the Government of India and followed in the *Imperial Gazetteer* of India.

This story has been told briefly but admirably by Stanley Lane-Poole in his *Medieval India* and by Vincent Smith in his *Oxford History of India*. The fuller account, by greater fidelity to the record, loses something as regards perspective and dramatic interest in comparison with the shorter and more selective writings. This greater fidelity to fact leads to a certain monotony of war, rebellion, parricide and fratricide, cruelty and treachery, "battle, murder, and sudden death". The picture is relieved at intervals by descriptions of the evolving methods of government, summaries of character, and comparatively brief intervals of peace and progress. The Christian reader can with difficulty feel the thrill of victory over the idolatrous Hindu and the joy of despoiling him through the splendid triumphs of Moslem arms. Nor can he readily rejoice in the occasional recovery of authority and control by well-organized Hindus. He can find, however, numerous instances of bravery, loyalty, devotion and sacrifice to admire. True prototypes exist here for innumerable tales of adventure, love and success. Sir John Marshall's description of the monuments is somewhat matter-of-fact and clothed with rather technical architectural language. If read carefully in connection with the numerous illustrations, it leaves a profound impression of infinite effort and achievement on the part of builders inspired by the Moslem body of ideas.

ALBERT H. LYBYER

UNIVERSITY OF ILLINOIS

Stresemann, The Man and the Statesman. By ROCHUS VON RHEINBABEN. New York, D. Appleton and Company, 1929.—322 pp. \$3.00.

Gustav Stresemann as portrayed by Baron von Rheinbaben was a very typical German and so is his biographer. Their minds, in Wilson's famous phrase, "run willingly" with each other. When Stresemann is not quoting Goethe, Baron von Rheinbaben is doing so, and both had a sentimental reverence for Frederick and Bismarck and the glories of the Prussian crown undisturbed by modern historical muckraking. Both, one infers, would have liked to retain the old monarchy, provided it could have been made parliamentary in the English fashion, and both accepted the naïve, sentimental interpretation of the Great War current in Germany in 1914—French revenge,

Russian ambition and British jealousy, with England as the star conspirator (pp. 99-101); and as usual the musty old article in the *Saturday Review* of 1897 is trotted out as evidence of British policy. We cannot accept the author's high opinion of Stresemann's insight into foreign policy during the war. He favored unrestricted submarine warfare, minimized the military danger from the United States (pp. 128-29), and steered a rather vague, indefinite course between the advocates and the opponents of peace with conquest. He maintained a somewhat blind optimism as to the prospects of victory in the last months of the war and, with no clear alternative policy, advocated the rejection of the peace treaty (p. 176).

All this is said with no thought of discrediting one of the most useful of modern statesmen. Rather it is the more creditable that the path to peace for Europe and liberty for Germany should have been directed in recent years by a man essentially conservative and even, in a sober and prosaic manner, imperialistic. Aristocratic and middle-class Germany would hardly have accepted the Stresemann policies from another type of man, just as German royalists could never have been reconciled to the republic by another man than Hindenburg. Stresemann was successful because he was trusted; he spoke no alien socialistic jargon, no accent of Russian, French or Hebrew revolutionism was there to offend the German ear. He was equally remote from the shrill, hysterical note of Ludendorff and his fellow-chauvinists. In Stresemann's round, heavy face; his plain, prosaic mind; his straightforward, candid, uneloquent public pronouncements, the typical German business man found his arch-embodiment.

There is something very refreshing in Stresemann's level vision. Though carried away by the war fever he showed no worse symptom than an excessive optimism, an optimism shared, it may be added, by nearly everyone else in Germany. There is no accent of hate. Though he regarded England as largely to blame for the war he dared to express in the strongest possible terms his admiration of the British war energy. Himself an administrator of the ablest kind, he spoke of Lloyd George as "one of the greatest organizers in this world struggle . . . who has given us many a hard nut to crack" (pp. 102-103). He denounced the stifling censorship, pointed out the importance of world public opinion, and criticized with great ability the ineptitudes of German diplomacy. In this ability to look facts in the face regardless of prejudice Stresemann reminds one of Bismarck at his best. And in one important respect he excels even

Bismarck, in his sense of the urgent necessity for liberalizing the political structure of the Empire. It should be remembered that although he was never an advocate of revolution, his praises of the Hohenzollern régime were sounded after it had fallen; while Wilhelm II was still in power he never hesitated to be a severe critic. He saw and pointed out what perhaps no other German conservative let himself see during the war, that under the test of battle democracy was proving itself a sounder political system than autocracy (pp. 122-23).

Stresemann's achievements since the war are more familiar to American readers, but the man was the same. When monarchy became a hopelessly lost cause, he put his anti-revolutionary scruples aside and served the republic. Though still convinced that Germany ought to have won the war and should not have surrendered to such terms of peace, he made the best of a bad situation and negotiated without a trace of rancor with the statesmen who wrought Germany's defeat. As a sound business man, he helped restore a valid currency. As a patriot, he worked for the freedom of the Rhineland. As a realist, he accepted the reparations conditions embodied in the Dawes Plan, though at the cost of all his popularity with the reactionary parties. As a good European, finally, he strove for an enduring peace at Locarno and Geneva. The book is fairly well printed and translated. "Gneisenau" on pages 304 and 305 should doubtless have been "Gneisenau".

PRESTON SLOSSON

UNIVERSITY OF MICHIGAN

Europe Since 1914. By F. LEE BENNS. New York, F. S. Crofts and Company, 1930.—xii, 671 pp. \$5.00.

The author of this volume has set himself to write a "brief, clearly-written, well-organized" narrative, suitable for the general reader as well as for the class-room. In view of the vastness of the subject, a book of more than six hundred pages in small type may perhaps pass as "brief"; that it is clearly written and well organized there can be no doubt. For all-round excellence and for content it is almost alone in its field. *Twentieth Century Europe* by Preston Slosson and *Europe: A History of Ten Years* by Raymond L. Buell roughly parallel Benns' work, but the one covers more, the other less.

Part One comprises six chapters and is entitled "War and Revolution"; it discusses admirably the origins and history of the war

and describes the disintegration of Russia, Austria and Germany. Part Two, on "Peace and Liquidation", contains five chapters devoted to the peace treaties, the League, reparations, and the revolt of the East. Some may wonder that Asiatic problems are included in a history of Europe, but there can be little doubt of the wisdom of including them. Geographically the countries of the Orient may be far removed from the states of Europe, but politically they are bedfellows, albeit not always entirely congenial ones. Part Three, "National Reconstruction", comprises ten chapters and in the judgment of the reviewer is the best in the book. We have plenty of treatises on the war, and a goodly number on the peace settlements; but there are few well organized and satisfactory summaries of the years since 1920. Germany, France, England, Italy, the U. S. S. R., the succession states and the Balkans pass in review before our eyes. Out of the kaleidoscope of events emerges something that is orderly and understandable.

The author writes with straightforward vigor. Occasionally he adds zest to his pages by lively characterizations such as that of Rasputin, a "long-haired, illiterate scoundrel, charlatan, and reputed monk".

It is interesting to note the unavoidable compression of many events which bulk large in our memories. For instance, the Teschen dispute draws one line and a footnote on page 194, and is mentioned as a name on page 508. So it is with a hundred other matters which have seemed so vital to many who have lived through them. Already the historian is cutting and pruning, and many a beloved detail is ruthlessly thrown out.

Another reflection suggested by reading this volume concerns the impossibility of keeping up to date a book on modern European history. The ink is barely dry on Benns' pages. Stresemann's death is noted and MacDonald's visit to the United States is mentioned. But since then another notable, Clemenceau, has died, and the London Naval Conference has passed from intention into history. The strictures on the Paris Pact given on page 374 are no doubt in part justified; but already leaders are striving to close the gap which Benns notes—witness the article by Levinson in *The Christian Century* for December 25, 1929. Excellent as is chapter xvii on Soviet Russia, it could well be supplemented by a careful reading of the recent series in the *Nation* wherein Oswald Garrison Villard treats of even more recent developments there. For other passages that have already become partially incomplete see pages 299, 300, 441, 455.

There are few errors; none of any importance was noted. The illustrations, nine in number, are good; the maps and other illustrative material are fair. The bibliography is very complete and useful; the index is good; the two appendices, giving World War statistics and the Covenant of the League, will prove helpful.

DUANE SQUIRES

STATE TEACHERS COLLEGE
MAYVILLE, NORTH DAKOTA

From the Physical to the Social Sciences. By JACQUES RUEFF.

Translated by Herman Green. Baltimore, The Johns Hopkins Press, 1929.—xxxiv, 159 pp. \$2.00.

This book is one which all political scientists and students of political theory would do well to read, mark, learn and inwardly digest, particularly those in England and not least those brought up in the baneful Bosanquetian tradition or those (such people exist although Bosanquet was not one of them) who regard psychology as a "fashion", apparently on the strength of the recollection of a perusal of the writings of Dr. McDougall. With Mr. Rueff's insistence that the definition of the subject matter of a social science—of any science—is crucial, the present reviewer is in hearty agreement. It will not, however, meet with more than scant support either from those who are accustomed to forget the map of science in examining the hedges and ditches of history and anecdote, or from those who demand that no book on political science shall be more exacting than a readable brochure on educational civics. With Mr. Rueff's philosophical contention that truth is discovered by the coherency of propositions in accordance with the principles of identity and causality; that this systematic or scientific truth, whether in geometry or ethics, is relative to some standard of reference dictated by the circumstances of a given time and place; and that "causes" are constructed as explanations or rationalizations of phenomena, being indeed not "facts" or absolutes but hypotheses liable to supersession when they cease to explain—to all this there seems to be little to which exception can reasonably be taken. From this Mr. Rueff most rightly concludes that the "so called physical sciences" and the "so called social sciences" are both alike built up by the use of one common method and are equally and precisely (in terms of this hypothetical or cause-finding method) sciences. That the hypothetical conditions, which have to be fulfilled if a law is to operate, are

less often fulfilled, because historically more complicated, in the case of the social sciences, is pointed out to be an irrelevant objection.

Mr. Rueff, however, steers into more troubled waters when he attempts to make out a case for treating ethics as a science on the ground that there are constant relations (which can be made the bases for laws) between certain acts and certain lines of conduct. Thus the act of murder has such consequences that we are, under the empirical conditions of our present civilization (unlike the Thugs), unanimous in condemning it. Hence we can construct a hypothetical situation (including these cultural factors) and state a law of moral condemnation and retributive conduct. It is here that Mr. Rueff's book interests the members of the legal faculty of the Johns Hopkins University, who cordially sponsor the volume. No one who has read Hobhouse's *Evolution of Morals* will take exception to Mr. Rueff's point of departure in the empirical relations between moral conduct and the conditions of given civilizations. But are these empirical relations so constant and persistent that there is any profit in styling them "laws"? Is there any profit in telling a conscientious objector that the moral law (based on "cause-finding" to explain empirical experience) is that "not to kill an enemy in time of war is socially evil" and then, when the fellow persists, to add "but you yourself are, of course, an interesting phenomenon indicating the supersession of the empirical conditions upon the hypothetical existence of which this law is based . . ."?

It is all indeed a matter of the higher expediency. For psychology and economics, owing to the breadth and general applicability of the hypotheses laid down, Mr. Rueff may be right, and the present reviewer would be the last to deny that his contention holds true for politics. (The author's tacking of "the art of politics" on to "mathematical political economy" seems to involve confusion—perhaps due to that unhappy and fortunately obsolescent title given to economics by Antoyne de Montchrétien.) But, in the case of ethics, it is surely true that more precise definition of the subject matter will be required unless we are to land ourselves into outlining laws for every temporary relation of custom and for *alle Dinge überhaupt*. Attention should perhaps be called to the important contradiction between the statement on page 150 that "our ideas and our theories *may be factors* in the evolution of our universe" and the statement on page 155 that "moral theories no more *determine* the form of our society than the Kinetic theory determines the properties of gases"—which, unless it is due to ambiguity in the use of

the word "determine", is surely an unjustifiable bit of philosophizing. It may be suggested, more cautiously, that the lawyers (instead of reasoning from immemorial, if obsolete, maxims) might gain assistance from a more mature science of human conduct (ethics if one will—ethics on its economic as distinct from its valuational side), laying down, by the aid of psychology and especially of medicine, the inevitable reactions of human beings to given psychological or bodily stimuli, *under certain hypothetical conditions* frequently fulfilled adequately enough for pragmatic purposes. The consequences of a little rational formulation of research in this direction would probably heavily modify our present pre-scientific laws on suicide, censorship, marriage and drugs—to mention only a few instances at random. Indubitably a most important and significant book which shows the way thought is tending.

GEORGE E. G. CATLIN

CORNELL UNIVERSITY

The Netherlands and the World War. Volume III. *The Effect of the War upon the Colonies.* By J. H. CARPENTIER ALTING and W. DE COCK BUNING. Published for the Carnegie Endowment for International Peace by the Yale University Press, New Haven, 1928.—ix, 140 pp. \$2.25.

The Netherlands and the World War. Volume IV. *The Effect of the War upon Banking and Currency.* By G. VISSERING and J. WESTERMAN HOLSTIJN. *War Finances in the Netherlands 1918-1922: The Costs of the War.* By H. W. C. BORDEWIJK. Published by the Carnegie Endowment for International Peace by the Yale University Press, New Haven, 1928.—x, 226 pp. \$3.00.

The first of the two new Dutch volumes of the Carnegie History of the World War come right in the midst of what seems to be the most intense discussion of colonial policy in the Netherlands since the advent of Multatuli, now almost seventy years ago. The influence of the war, which isolated the colonies, accentuated the already present tendency of a liberal government toward "ethical" standards, and led to experimentation with popular representation on a limited scale in 1916 (Volksraad). Further developments in 1918 revealed the general tendency to all concerned, and since then the growing native organizations have asked for continued development of the concessions of the war period, while the capitalists in the islands have exerted a restraining influence. The fundamental issue,

whether the natives should participate in a new system of organically developed, individual island governments or in the present wholly artificial conception of a united "Indonesia", is still unsettled. The present study gives a most interesting sketch of the underlying social and economic factors. It is also the first presentation in English of the political organization of the Dutch East Indies. There is a short chapter on the West Indies at the end of the book.

The second of these volumes covers more familiar ground. Although Dr. Vissering's official position tends to give an authoritative character to his opinions on this subject, students of the problem will remember his acute controversy with practically every Dutch economist of standing concerning the gold question and will seek in vain in this book for an objective presentation of the "other side". In fact there is a curious contrast within the covers of this one volume between Professor Bordewijk's incidental references to this aspect of the Netherlands Bank policy and Dr. Vissering's rather summary treatment of it. With this exception, Dr. Vissering's work is of characteristic thoroughness. His review of the foreign exchange policy of the Netherlands Bank during the war furnishes an interesting comparison with the movements of the dollar before and after 1917.

In justice to those who controlled official policy during and after the war, it should perhaps be added that the authors of these monographs almost invariably write from the standpoint of the old individualist type of economics and therefore find themselves out of sympathy with the enormous increases in budgetary requirements for social legislation, housing, etc., which were so characteristic of the period. Mobilization of the army through the four years of the war, and the demand for labor caused by the isolation from foreign sources of supply, tended to give the unions a stronger bargaining position, of which they took undoubted advantage. Much of this legislation was not only retained after the war but strength developed and extended. The charges were heavy, particularly when added to the expenses of the mobilization, the special relief measures, etc., and errors were undoubtedly made in the experimentation with unemployment schemes and other advanced legislation. Bordewijk's criticism generally seems to assume a pre-war condition of static "normalcy" which is belied by the impressive record of social legislation during the two decades preceding the war. The financial study is technically very competent, but the spirit of the new tendency has escaped the author rather completely.

The closing chapter on the economic effects of the war in the

Netherlands will dispel many a popular delusion. The enormous losses in Austrian and Russian securities, the expenses of the army and navy, the huge losses in shipping and transit trade are still felt and leave no doubt as to the final outcome when set off against the gains of some of the industries.

HARRY D. GIDEONSE

RUTGERS UNIVERSITY

The Privy Council of England in the Seventeenth and Eighteenth Centuries. Volume II. By EDWARD RAYMOND TURNER. Baltimore, The Johns Hopkins Press, 1928.—xi, 507 pp. \$7.50.

The study of a declining institution cannot be as vigorous and attractive as a study of origins or of maturity; and the Privy Council grew old and died, as a vital political organ, in the two centuries covered by this and the preceding volume. We have long known the Council in its growth and prime through Baldwin's notable *The King's Council in England during the Middle Ages*. Professor Turner intended the present work to be a sort of negative background for his studies on the Cabinet and other features of the central administration in the same period—studies which it is believed he left nearly completed.

There were attempts to rehabilitate the Council, especially in 1679 and in the Act of Settlement, and after the Star Chamber statute of 1641 no destructive statute touched it; yet it continued to go the way of decadent institutions and it is interesting to notice, as in other such cases, how puzzled contemporaries were as to just what was happening. Modern departments of administration (with the exception of the Cabinet) have not come from the Council or Council committees. Rather, they had their beginnings in sundry commissions, subordinate councils, or boards; and the two secretaries of state grew steadily in importance in this time. Council committees tended to merge: they moved away from, rather than toward, specialization. Much space is given to these committees, and they were of astonishing number and variety. Early in the seventeenth century they were important and were of two general classes, standing and temporary. There were elaborate attempts at division of labor in the assignment of business. But it became as hard to get people to attend committee meetings as meetings of the whole Council. Certain interested and efficient ones came; also some whose

high offices imposed special responsibility. And there was a stage when such were named on several committees. Then came gradually the elusive committee of the whole Council, a sort of running together of numerous earlier committees which were more and more composed of substantially the same men. This meant little more than that a great variety of business—but especially Irish, colonial and local—was being assigned for preliminary consideration to competent officials and administrators, who were at the same time as a matter of course Privy Councillors.

In this shadowy later life of the Privy Council the shadow is nevertheless nearly a life-size shadow of the old institution. The substance is gone; that is, the real work, the vital decisions in public affairs are elsewhere. But the shadow is wholly recognizable to one familiar with the Council of former centuries: the royal attendance, honor of membership, mixture of important and petty business, judicial work (now mostly in appeals from colonial courts), the royal overriding equity, the oath, the informal, incomplete record of the work done. But the Council had in reality become largely two things: the curious committee of the whole, which actually was not the Council at all, and a ceremonial assembly for purposes of attestation and announcement.

These two volumes could have been compressed to great advantage. Large portions are little more than a calendaring of the Privy Council records, with a combined topical and chronological arrangement of the calendars; and too many pages are filled with lists of committee members which have already been printed elsewhere. The writing might have been more interpretative and attractive while losing nothing in scholarship.

ALBERT B. WHITE

UNIVERSITY OF MINNESOTA

America Challenged. By LEWIS F. CARR. New York, The Macmillan Company, 1929.—322 pp. \$3.50.

A popular book in the field of agricultural economics, *America Challenged*, marks a second stage in the development of this important field, in which few popular books have yet appeared. The books on agricultural economics have been written by research workers who have patiently dug for new material and pondered long over abstruse problems. Here is a book written to be read. The materials are drawn from reliable, available sources.

The author's contribution is in presenting these materials in a form attractive to the layman. This book relates first of all to the present agricultural situation, to the agricultural depression from which the farmers have suffered for more than eight years, and to the dangers which lie ahead for city people as well as for country people if something is not done to bring about a better balance between incomes on the farm and in the city.

The graphs and charts in this book present a clear exhibit of the facts regarding the agricultural depression. It is made clear that farmers are more efficient in production than at any time in the history of mankind, and yet their profits are very low because the prices they pay for the materials and instruments of production and for consumption goods are very high in comparison with the prices received for the products of the farm.

It is pointed out that an unsound monetary system which makes possible the violent fluctuations in the value of money and an unsound tariff system which gives to those who have and takes away from those who have not are aggravating features in the situation.

This book should be read by business men and other dwellers in the cities who consume farm products and who have enjoyed unusual prosperity in recent years in a considerable measure at the expense of the farmers. The author throws up a number of danger signals intended to warn city people of the grief ahead if a more favorable distribution of wealth between country and city is not brought about. The impending conflict between country and city might be avoided if an "Uncle Tom's Cabin" of agriculture could be written which would grip the city dwellers of America and make them want fair play for the farmers. Carr's book is not all that might be desired but it is the best book the reviewer has seen in this class. It has taken seven or eight years to convince the nation that something should be done for agriculture and it may take equally long to convince them that the making of political gestures will not solve the problem. In the meantime, this book should help in preparing the way for better understanding.

It is unfortunate that the author did not find room for a few chapters discussing the contrast in the way in which farmers compete with each other to drive down prices and the way in which city industries and occupations have learned to limit competition and thus maintain prices.

H. C. TAYLOR

BURLINGTON, VERMONT

BOOK NOTES

In a volume entitled *Until Philosophers Are Kings*, by Roger Chance (New York, Oxford University Press, 1929; xvi, 293 pp. \$4.00), we have an addition to the many volumes treating of the political theory of Plato and Aristotle. The author, as Professor Laski explains in his foreword, undertook this study "seeking relief in the inspiration of political philosophy from the grim experience of war", and the title-page shows that he combines a military decoration with academic degrees. It cannot be said that the work offers any new interpretation of the *Republic* or the *Politics*, but it is a sympathetic and understanding account of the classical doctrines and of the conditions under which they were conceived, in which good use is made of the chief modern writings on the subject of the state. In a final chapter the author seeks to show how far the principles of the great Greek theorists are applicable to the state of today, but it is difficult to build a bridge of doctrine between the city-state and the nation-state. The point of view of the writer may perhaps be summed up in his quotation from A. E. Russell: "Politics is a profane science only because it has not yet discovered it has roots in sacred and spiritual things and must deal with them".—R. M. MACIVER.

In a booklet of 120 pages—*Essais sur les groupements sociaux* (Paris, Félix Alcan, 1929; 120 pp.).—Professor René Maunier of the University of Paris offers a survey and characterization of the main types of social groups. Obvious and useful as such a task is, for some reason it does not seem to appeal to American sociologists, and I do not know any similar work published in this country. Professor Maunier's study is of an introductory character, being a series of lectures in which the great variety of groups is classified under three main headings, according as kinship, locality or specific function is the general basis of organization. The description of these main categories and their subdivisions is selective rather than exhaustive. It is admirably lucid and clear-cut, and the author uses to good effect as illustrative material his own anthropological researches in Northern Africa. Occasionally the treatment is rather slight and hardly adequate to bring out the social significance of a particular form of organization, as in respect of the

economic corporation. And it seems curious that the modern type of family is not described at all, as distinct from the kindred group. But the little work should prove of very distinct service to those who are seeking an introduction to the subject. We have a plethora of sociological works dealing with "social processes" but scarcely any dealing with social structures, though the latter provide a simpler and clearer approach to an orderly arrangement of the multiplicity of social phenomena.—R. M. MACIVER.

Professor Charles E. Merriam is directing a number of studies into the types and results of civic education. The aim of the series, "Studies in the Making of Citizens", is to collate information regarding the practices in many countries and varied cultures and to see whether general results or principles can be discerned. Miss Elizabeth A. Weber is contributing to the series a study of that special aspect of training for civil life centering around the initiation ceremonies and the formal inductions into the status of manhood and citizenship. The title of her work, *The Duk-Duks: Primitive and Historic Types of Citizenship* (New York, The Macmillan Company, 1929; xix, 142 pp. \$3.00) derives from the Melanesian Duk-Duks, one of the many tribal communities brought under survey. In addition to the formal ritualistic instruction and discipline whereby the boys, and in many cases also the girls, of savage society are prepared for adult duties and responsibilities, the author describes the conditions leading to the ephebic oath in Athens and the *toga virilis* in Rome and the *adoubement* (knighthood) ceremonies of feudal Europe. The psychological and the sociological phases of the various customs are well portrayed and the rôle of ceremonialism in civic education briefly analyzed. Finally the author sets forth in a few paragraphs some of the difficulties of introducing into our own society ceremonies of adulthood which would have meaning and deep emotional value. Perhaps this is a sign of the passing of the age of romance and mysticism.—F. H. HANKINS, Smith College.

In a volume entitled *An Introduction to Social Research* (New York, Henry Holt and Company, 1929; xiv, 488 pp. \$4.00) Howard W. Odum and his co-worker Katharine Jocher present a survey and analysis of certain aspects of the research now progressing in the field of the social sciences. The monograph, however, is in no way a compendium of research projects; it is rather a consideration of the various modes of approach to the subject matter of the science and a critique of the methodology which has thus far been devised in the subdivisions of the field. Although one would hesitate to say

that the work here presented is in any way an outstanding contribution to the literature of the social sciences, it is nevertheless a useful handbook which may well be called to the attention of the graduate student.—SCHUYLER C. WALLACE, Columbia University.

The last word in historical workmanship is, no doubt, the scholarly volume that also "gets over" with the general public. Michel Vaucaire's biography of Bolívar—*Bolívar, the Liberator*, translated from the French by Margaret Reed (Boston and New York, Houghton Mifflin Company, 1929; xi, 205 pp. \$3.50)—has one of these requisites, for it is intensely interesting. It is not, however, a first-rate work of history. Rather, it is of the "book of the month" type, and, as such, a great success, but unreliable in content and wholly lacking in the paraphernalia of scholarship. Jumping into episodes without even a sentence in the way of preparation or transition, Vaucaire tells a vivid and gripping story. It is an idealization of Bolívar, composed in staccato style. As an American *littérateur* might write of George Washington and the cherry-tree, so Vaucaire deals with Bolívar, but in a thoroughly Latin way. There is no painful, puritanical moralizing. On the contrary the Bolívar-ordered massacres and the Bolivarian mistresses run through the pages in kaleidoscopic succession. Fascinating pen pictures of others as well as of Bolívar are drawn—of Miranda, Boves, Páez, and Sucre, for example. But the facts! Bolívar's connection with the betrayal of Miranda is so lightly touched upon that it may hardly be said to have been confirmed or denied. The casual reader would not realize there ever was a controversy on this point. And San Martín is made to welcome Bolívar's approach to Peru *because* he himself was ardently longing for Bolívar to succeed him! Vaucaire gives no hint of any controversy. Less fundamental errors have also crept into the account—such, for example, as that Spain retained the port of "Callao" until 1826, but, following its capture in that year, "Chile was definitely free." Accents sometimes appear, sometimes not—never in "Bolívar." There is no bibliography and no footnotes, but there is an index. Chapters are short, averaging less than four pages; there is one of a single page. The translation from the French is exceedingly well done. Since the average intelligence is not capable of absorbing anything better, the reviewer recommends this book as admirably adapted to supplementary reading requirements in undergraduate university courses, and especially for freshmen and sophomores.—CHARLES E. CHAPMAN, University of California.

The story of Anglo-American expansion into that part of the old Spanish domain which is now the state of Texas is concisely and convincingly told in *Mexico and Texas, 1821-1835* (Dallas, P. L. Turner Company, 1928; vii, 167 pp. \$2.50), by Eugene C. Barker. Four of the five chapters were delivered as University of Texas Research Lectures in 1928, while the fifth appeared in the annual report of the American Historical Association for 1911. Together they represent the results of many years of patient and intelligent sifting of contemporary material dealing with the colonial and revolutionary periods of Texan history. From the available evidence Professor Barker has reached conclusions not surprising to students acquainted with his previous contributions to the subject. He finds that the Texan revolution was "neither the culmination of a deep-laid program of chicanery and greed nor the glorious response of outraged freemen to calculated oppression of tyrants" (p. v). It was rather the inevitable result of an attempt, unwise in conception, to bring two peoples of vastly different cultural inheritance into a close political union. In this broader aspect the revolt becomes something more than a mere chapter in local history. It assumes importance as an interesting experiment in racial and cultural assimilation. Professor Barker rejects the plausible but prejudiced theory, advanced by abolitionists and later accepted by many American publicists, that the revolt of Anglo-Americans against Mexican authority was a "disgraceful affair promoted by sordid slaveholders and land speculators" (p. 147). Land speculation, in the author's opinion, retarded rather than hastened the outbreak of hostilities. Slavery played no part in precipitating the revolution, though it was, like the religious question, "a dull, organic ache" (p. 86). Both of these colonial grievances might have been remedied without resort to arms had not the substitution of a centralized oligarchy for a federal republic in Mexico brought in its wake an extension of imperial authority at the expense of local privilege in Texas. This political fact was the immediate occasion for war, but fundamentally the struggle developed out of the "conflict of civilizations." —JOHN A. KROUT, Columbia University.

The Effect of the World War upon the Commerce and Industry of Japan (published for the Carnegie Endowment for International Peace by the Yale University Press, New Haven, 1929; xxiv, 345 pp. \$4.00) is the first of the Japanese series on the Economic and Social History of the World War, that colossal task undertaken by the Carnegie Endowment for International Peace. It is by two

authors, Professor Kakujiro Yamasaki of the Tokyo Imperial University, who has done the book on commerce, and Professor Gotaro Ogawa of Toyo Kyokai University, who prepared the section on industry. These two scholars have assembled in this one volume a great deal of pertinent and valuable reference material. It is not easy reading but it is decidedly useful. In the discussion of commerce Professor Yamasaki has outlined the important developments in foreign trade, foreign exchange, domestic trade, the exchanges and prices, first during the war years, and then has followed their fortunes during the post-war years 1919, 1920 and 1921. He points out not only the tremendous advances made during the war and early post-war years but also the severe reaction that shook the very foundations of Japan's economic structure in 1920 and 1921, and the frantic measures taken by the government and the trade associations to prevent complete disaster. Professor Ogawa has limited his study of industry to the war years only and in that respect his contribution is not as complete as might be desired. After a very brief summary of the general industrial development in Japan during the war years, he discusses in some detail those branches of industry that were markedly influenced by the war, especially shipbuilding, iron and steel, the machinery industry, textiles and chemicals. Many of these industries had made little progress in Japan before the war, and their tremendous development under the stimulus of war needs and war prices was necessarily artificial. The study of their fortunes under post-war conditions would therefore be especially significant. Professor Ogawa has suggested in his conclusions the disintegration that followed and has pointed out the weaknesses that beset the further development of industrial activity in Japan. While the lack of technical skill and the relatively high cost of production in the major industries are important deterrents, the chief stumbling-block to Japan's ranking among the great industrial nations is a serious lack of the important raw materials for industry. — DOROTHY J. ORCHARD, New York City.

The Peace Pact of Paris, by David Hunter Miller (New York, G. P. Putnam's Sons, 1928; vii, 287 pp. \$3.00), is about the best explanation to be found of the so-called Kellogg Pact. In his usual incisive and frank, but fair, manner, Mr. Miller gives us the story of the making of the Pact of Paris—a story less popular in style, and more critical, but none the less enthusiastic, than various others which have been written. His conclusions as to the consequences of the treaty have not yet been borne out, for the simple reason that no

leader has yet appeared courageous enough to face an obstreperous Senate and continue the work which popular enthusiasm imposed upon a reluctant administration. As to the credit for making the treaty, Mr. Miller makes no bones: "An anniversary message of friendship and offer of a Treaty addressed by a Foreign Minister of one great country to the people of another, followed by official and press silence, brought into its own by the initiative of private individuals and then supported by such a wave of public opinion as to constrain diplomatic negotiations." Nor does the treaty, he thinks, belong to the outlawry-of-war movement, though the outlawry leaders hailed it as their own, "which it was not, either in form or in substance". Seventeen out of the twenty chapters, one hundred and twenty out of one hundred and forty-nine pages, are devoted to a chronological, but critical, study of the negotiations. Almost as much space is devoted to the relevant documents. Things equal to the same thing are equal to each other; and so Mr. Miller observes that since we reserved self-defense, nothing is left to be renounced except aggression—though we disliked that term. Article 2 is controlling, according to the author, who says, quite correctly, that it is putting the cart before the horse to say that pacific settlement follows renunciation of war. The latter is impossible without the former. If the treaty is broken, it is Article 2 which is broken first. Nor does Mr. Miller believe that the United States could stand aloof if the treaty were broken. To him the treaty means that Article 16 of the Covenant of the League of Nations has the moral acquiescence of the United States; that neutrality is impossible and that sea law is ended. Against this stands President Hoover's subsequent statement that no sanctions beyond public opinion are needed in international society. To this reviewer, the author's logic is compelling; and his statement that the Pact is actually implemented by the Covenant, when read with the recent amendment of the Covenant to adjust it to the Peace Pact, should lead to some serious reflections concerning the unfortunate habit into which the Senate—not the American people—has fallen, of uttering large words while allowing other nations to do all the work and assume all the responsibility.—CLYDE EAGLETON, Washington Square College, New York University.

The Cuban sugar crisis and the efforts of the Cuban government for the past three years to negotiate more advantageous commercial arrangements have been instrumental in bringing to publication the United States Tariff Commission's comprehensive study of *The Effects of the Cuban Reciprocity Treaty of 1902* (Washington, Gov-

ernment Printing Office, 1929; v, 436 pp. 60 cents). Unique among commercial treaties in that it sets up exclusive preferential relations between two legally independent nations, this document has been widely misinterpreted. Thanks to Dr. Benjamin B. Wallace, Anthony B. Kenkel and others, there are now some unimpeachable facts to go on—facts to the extent of eleven chapters of text, six appendices and 221 statistical tables. Scarcely an aspect of Cuban-American commercial relations has failed to find its place in this avalanche of statistical analysis. Convenient as these tables are to persons who may make other inquiries of them, for anyone concerned with Cuban economic development their principal purport in connection with the problem at hand is negative. The Reciprocity Treaty has not had many effects which can be stated in positive, statistical terms. It is the conclusion of the compilers of the report that the advantages which it has conferred, past and present, have gone chiefly to Cuba. The report lays little stress upon the fact that the tariff preference amounts effectively to 11.8 per cent upon the value of Cuban exports to the United States in recent years, as compared with 4.8 per cent upon United States exports to Cuba. It emphasizes as the principal advantage directly traceable to the treaty, the price premium upon sugar which Cuba enjoyed from 1904 at least to 1909 and in part until 1913. In this respect the present report moves in part over the ground covered by the Commission in its study of *Reciprocity and Commercial Treaties* (1919); and it repeats the conclusion, derived from detailed study of sugar prices, that this price premium has been non-existent since Cuba has been able to supply all of the United States' demand for foreign sugar. The bulk of the report, however, is now devoted to the question whether the United States has derived or derives commercial advantages from the Reciprocity Treaty. Analysis of Cuban imports from the United States as a whole, by commodity groups, by preferential groups and by competing classes, and comparison with trends shown of United States trade with other Caribbean countries, support the conclusion that reciprocity has had a minor effect, if any, on the volume and content of our exports to Cuba. Instead of a single, highly competitive staple, our exports consist in a wide variety of manufactured goods not responsive to slight changes in cost. The benefit of the preference in Cuba accrues chiefly (the report suggests) to importers at the Cuban end. The scholarly caution with which these judgments are set forth is somewhat marred by certain paragraphs in the summary of conclusions which speculate

unguardedly about a sum of \$35,000,000 a year which Cuban producers might realize at the expense of the American market, if they could keep the supply reaching that market below American requirements. Appendices narrate the story of the failure in 1902 of the reciprocity movement when first brought before Congress. There is no appraisal of the political effects of reciprocity. The commercial relationship which the report illuminates abounds in the politico-economic paradoxes created by modern business. Cuba's preference to American goods realizes price benefits chiefly for Cuban importers. The United States preference benefits Atlantic seaboard refiners; and Cuba can secure help for her sugar industry not by negotiating for more preference, but only by the act of grace of Congress should it lower the basic domestic tariff.—LELAND HAMILTON JENKS, Rollins College.

Dr. Hugh L. Keenleyside of the Canadian diplomatic service has written a timely volume on *Canada and the United States* (New York, Alfred A. Knopf, Inc., 1929; xxi, 425 pp. \$3.25), the only adequate treatment of its kind yet available. This surveys in detail the political and diplomatic aspects of Canadian-American relations from the Revolutionary War to the present. There are also a brief introduction by Professor Kennedy of Toronto University, two and a half pages of acknowledgments by the author, ten useful maps and charts illustrative of the various major episodes, and a detailed index. The author appears to have delved extensively into contemporary newspaper sources and memoirs as well as official documents and secondary material. The first four chapters deal respectively with Canadian-American relations during the Revolutionary War, Loyalist influence in Canada, the War of 1812, and the critical episodes of the middle period. These cover the era of overt and threatened attempts at annexation by the United States, abetted in several cases by disgruntled elements in Canada, but strenuously resisted by the government and the bulk of the population. The author then reviews the major and minor boundary disputes between the two countries and the fisheries controversy, which have bequeathed a legacy of much misunderstanding and considerable irritation, at least in Canada. The grounds for dispute, the case for each side, and the judgments of careful students upon the issues are succinctly stated. Succeeding chapters are devoted to commercial diplomacy and to migration. A final section deals with the war and post-war relationships. The sober and systematic discussion of these various causes of friction in the past should do much to clear the Canadian atmosphere. At the

same time the author has drawn attention to several considerations which do not seem to have been realized by Americans, but which have been and are the basis of a good deal of unnecessary ill-feeling in Canada. Hence in addition to the purely informative value of Dr. Keenleyside's book, it should be a distinct contribution to mutual understanding and cordial relations between the two countries.—A. GORDON DEWEY, Amherst College.

The Australian Tariff (Melbourne, Melbourne University Press, 1929; xvii, 232 pp. 2s. 6d.) is the work of an Informal Committee consisting of Professors Brigden, Copland and Giblin and Messrs. Dyason and Wickens. It is an evaluation of the effects and the burden of the Australian tariff in the last two or three decades. Its most striking conclusion, reached without reference to the merits of free trade or of protection in general, is that in the economic and political situation which has actually confronted Australia (limited natural resources, the struggle for a White Australia, etc.), Australia could not have maintained the present population at a higher standard of living under a free trade régime. Indeed, the inference clearly is that under free trade the living standard would have been distinctly lower than at present. An attempt is also made to trace the ultimate incidence of the protective tariff—which seems to fall chiefly on the exporting groups, especially the marginal landholders; and to show that in certain cases, notably sugar, butter and dried fruits, the cost of protection greatly outweighs the benefits secured from it. Taken as a whole, however, the study is rather disappointing. The exposition is often confused and tediously verbose; and it happens all too often that satisfactory categories of analysis are set up, only to be left devoid of much material content. The latter difficulty is explained in part by the fact that a good deal of the data secured by the Committee was confidential in character, and could not be used directly. But even with allowance for this, the impression left by the book is that its substance consists largely of fairly general conclusions which, however well warranted by the writers' own informed judgment, are not adequately supported by the evidence actually submitted. Interesting though the authors' conclusions are, any outside criticism of them is therefore short-circuited.—JAMES W. ANGELL.

The fourth institute on the Norman Wait Harris Memorial Foundation at the University of Chicago, held in the summer of 1927, dealt with "Problems of the British Empire", but the public lectures, which have been published under the title *Great Britain and*

the Dominions (Chicago, The University of Chicago Press, 1928; x, 511 pp. \$3.00), were devoted to the self-governing parts of the Empire. They were delivered by Sir Cecil Hurst, legal adviser to the British Foreign Office, Timothy A. Smiddy, minister of the Irish Free State to the United States, John W. Dafoe, editor of the *Manitoba Free Press*, Sir William Harrison Moore, dean of the Faculty of Law in the University of Melbourne, Eric H. Louw, trade commissioner for the Union of South Africa to the United States and Canada and now minister of the Union to the United States, and Angus S. Fletcher, director of the British Library of Information in New York. These gentlemen range freely and in very readable fashion over the problems of the British Commonwealth, with particular reference to the imperial and foreign relations of the Dominions. Since the Commonwealth, so far as its working constitutional practices and conventions are concerned, is an association quite without precedent, it is not surprising that its internal and external relations seem decidedly anomalous. Sir Cecil Hurst, representing the view of the British Foreign Office, maintains that the Empire is a political unit, but in the course of his discussion its unity becomes elusive, and he himself admits that it is "difficult to define with precision wherein lies its political unity". Mr. Dafoe, speaking for Canada, sees the Empire as "a moral unity" and therefore "a political unity in the larger sense of that term". Mr. Smiddy, presumably voicing the sentiment of the government of the Irish Free State, is hopeful that the principle of equality of status between Great Britain and the Dominions "will beget a moral bond which will be very much more cohesive than any political bond". It is chiefly as a symposium of representative points of view that this volume has its value.—R. L. SCHUYLER.

An inevitable choice faces the compiler of a book of documents dealing with British trade unionism. On the one hand the work might gather for the mature student certain documents which though fundamental in importance are not generally available. On the other hand it might aim to supply the relatively unfamiliar student of the trade-union movement with a series of samples of various aspects of trade-union policy and of its forms and behavior. Mr. W. Milne-Bailey, compiler and editor of *Trade Union Documents* (London, G. Bell and Sons Ltd., 1929; xxvii, 552 pp. 8s. 6d.), has chosen the latter course, and his collection will go far toward meeting the needs of American students. The book is divided into four parts preceded by a concise and useful historical survey of the trade-

union movement. Part 1 deals with the value, aspirations and objects of trade unionism; Part 2 with the structure and organization of trade unionism; Part 3 with the functions and methods of individual trade unions and Part 4 with the place of trade unionism in the community. Each section is prefaced by an analysis by Mr. Bailey, who speaks with the authority of one who has played an important part in the recent Mond-Turner Conference and who is also the Research Secretary of the Trades Union Congress. On the whole Mr. Bailey has made a wise selection of the material at his disposal, and his sins are rather those of omission than of commission. More use might have been made of the debates at the annual Congress meetings, especially during the pre-war years of which the Reports are now so difficult to obtain. Extracts from Congress speeches during the years when the Labour Representation Committee was under discussion, or dealing with the attitude of the unions to the revolutionary changes in their practices and arrangements during the war, or to the recent Mond-Turner Conference, would have given an invaluable insight into trade-union mentality. Mr. Bailey is throughout a little too partial to the official reports of the General Council, and one misses any representation of National Minority Movement or other left-wing trade-union documents. In a future edition room might also be found for such interesting and important documents as the Manchester Guardian company-union agreement, the co-operative experiment between the London, Midland and Scottish Railway and the appropriate unions, concerning production problems, and documents relating to the "Spencer" type of union in Nottinghamshire. These could well be included at the expense of the occasional documents relating to foreign labor movements for whose inclusion in a book dealing otherwise so exclusively with British trade unionism Mr. Milne-Bailey fails to make a very convincing case.

—E. M. BURNS, Columbia University.

The dissolution of the Austro-Hungarian monarchy, and the establishment of a number of new states in consequence of the peace treaties of 1919, focused the attention of international lawyers on the problem of state succession. The most complicated and most controversial aspect of this problem, namely, the effect of state succession on public debts, has received an enlightening treatment in a book—*La Succession aux dettes publiques d'État* (Paris, Librairie Hachette, 1929; 184 pp.)—by Professor A. N. Sack, containing his lectures delivered before the Academy of International Law at The Hague. In the first part of the book the author considers the legal

nature of public debts. The evolution from such debts as the public patrimony of the Middle Ages up to present times, when the public debt is guaranteed by the whole domain of the state, is richly illustrated by the historical development of finances in England, the Germanic countries and absolutist France. The second part deals with the effect of political and territorial succession, respectively, on public debts in the Middle Ages and in contemporary theory and practice. The various theories affirming or denying the succession of states to debts, and the suggestions advanced in differentiating between general and special debts, are subjected to Professor Sack's analytical scrutiny. From the fact that public debts of modern times are contractual obligations, secured by the whole public domain of the state, Professor Sack concludes that political transformation effects no change whatever on public debts (p. 113). In case of territorial transformation, the whole territory of the state on whose behalf the debt originally was contracted remains charged with such a debt but changes are effected in the relations between creditor and debtors; and the author closes his study with a survey of the changes thus effected. He considers the obligations of the original debtor and the succession states, respectively, toward the creditors, and conversely, the rights of the creditors against the original debtor and the succession states. According to his conclusions, in case of territorial transformation, each state acquiring territory of the former debtor shall assume a proportional part of the public debts; the refusal of a succession state to assume this obligation by no means obliges the other succession states or the dismembered original debtor state to pay the share of the debt incumbent on the territory acquired by the reluctant succession state (p. 161). The creditors have corresponding rights against the original debtor state on the one hand and the succession state on the other; *i. e.*, they have a claim and right of remedy against the original debtor and the successor, respectively, to the extent of each state's proportional responsibility for the total debt. Professor Sack has handled this complex and controversial topic in a truly admirable manner. The historical introduction enables the reader to follow the evolution of the problem and to understand the political, financial and economic factors involved. The comparative method employed by the author in tracing this evolution in various countries gives an interesting illustration of the diverse results produced by differing political organizations. The richness of material—both legal and non-legal—used by Professor Sack reveals the conscientiousness with which he undertook

this study, and it leaves little doubt in the reader's mind as to the soundness of his conclusions. An author of several standard treatises on this and related topics, Professor Sack has made, through the present book, a distinguished contribution to international financial law.—FRANCIS DEAK, Columbia University.

The first and second volumes of Professor Lucien Brocard's study of regional, national and international economy — *Principes d'économie nationale et internationale* (Paris, Recueil Sirey, 1929; vol. I, xv, 503 pp. 50 francs; vol. II, 697 pp. 65 francs)—deal with the national economic life of France and with the economic and social policy which is pursued by its different governmental authorities. While the treatment is occasionally theoretical, as in the discussion of the formation of prices in the national economy, it is more generally of a descriptive character. The point of view is always fresh and original—an achievement of no mean value in this field. The author draws from an unusually wide scholarship in the allied fields of law, sociology, philosophy and anthropology. These volumes should prove to be of exceptional value to those who wish to familiarize themselves with the present economic and social structure of France. The chapters on population and the family in Volume I, and on legislation and governmental policies in these fields in Volume II, give a fair and well balanced statement of the characteristic French view. The full treatment of these problems (over 270 pages in all) and the strong section on the general "social policy" of France (126 pages) give the book a unique place in the literature of the subject. The synthesis of economic, social and political factors, together with a brisk discussion of the views of contemporaries on mooted points, adds to the book's interest, even if the reader does not share the author's enthusiasm for Friedrich List and his national system. The latter, however, only increases the interest in the coming third volume which will complete the cycle with a discussion of the "International Economy".—HARRY D. GIDEONSE, Rutgers University.

Textbooks on the history of the French Revolution have a way of becoming antiquated almost as quickly as books on the origins of the World War, for the revolution is still a highly controversial subject and attracts more able research men than perhaps any other phase of European history. Louis R. Gottschalk's *The Era of the French Revolution (1715-1815)* (Boston, Houghton Mifflin Company, 1929; ix, 509 pp. \$3.00) is introduced by an unusually modest and honest preface, in which the author states that it pretends to being little

more than "a presentation of the latest interpretations of that era." He mentions the works of Sée, Marion, Mathiez, Sagnac, Pariset, Rose and Driault as those upon which his account is primarily based. Every teacher of the period will welcome the volume as a convenient survey of the status of our present knowledge of a highly complicated subject. It is a book that can be confidently recommended, for it is not only well informed, but written with great detachment and more than ordinary common sense and balance. Though the viewpoint is more nearly akin to that of Mathiez than to any other, there is little of the extravagance of the French historian in this volume. Gottschalk has taken the good wherever he found it, without attempting to propagate any particular doctrine. The title of the book is rather misleading. In the first place, the period covered is really that of the Revolution and Napoleon. The earlier part of the eighteenth century is considered with reference to the Revolution almost exclusively. Furthermore, the history of Europe beyond the frontiers of France is treated only incidentally and really only in connection with the epoch-making events in France itself. No doubt there is justification enough for this procedure, though it will hardly do to attack the period too systematically from this angle. The style, too, might well have been improved, for the sentence structure is not infrequently awkward and not always clear. At times one can hardly escape the impression of breathless haste and insufficient attention to presentation. A number of historians are said, in the preface, to have read the manuscript, so it seems strange that there should still be rather obvious slips in dates and words, all of which might well have been noted in the proof-reading. One important and perfectly familiar name is consistently misspelled throughout. These are minor points of detail to which the reviewer feels obliged to call attention. But they must not be taken as adverse criticism of the book as a whole. Gottschalk's volume is, in most respects, far superior to any other single-volume text available at the present time, and should find extensive use in American universities.—WILLIAM L. LANGER, Harvard University.

Since 1871 the German Center Party has called itself "the political representation of the Catholic element of the German people". Is its claim to this title justified? Dr. J. Schauff has made a detailed investigation of the question, and published the results in *Die deutschen Katholiken und die Zentrumsparthei* (Cologne, J. P. Bachem, 1928; 189 pp). From 1871 to the last pre-war election in 1912 the Center counted in its ranks from 16.5% of the Reichstag members

to as many as 26.7% in 1890. In addition, the Alsatians, Poles and other regional parties representing mostly Catholic voters stood with the Center in matters of *Kulturpolitik*. The post-war system of proportional representation, however, resulted in a considerable reduction of the number of Center deputies, thereby correcting the discrepancy between the strength of the Center at the polls and in Parliament. There was also a large loss of Catholic population through cession of territory (18.89% of the total church membership in Germany as against 4.49% for the Protestants). The "Catholic" bloc was consequently reduced from its pre-war strength of one-third or more of all Reichstag members to one-fifth or less. After analyzing the 1924 election results in government districts whose populations are at least 90% Catholic, Dr. Schauff found that while about 98% of the votes cast for the Center came from Catholics, nearly one-half of the Catholic voters supported other parties. Of all voting Catholics, 58.1% voted for the Center, 17.8% for the Right, 21% for the Left and 3.1% for other parties. Non-Center Catholics appear to tend to the radical Left, especially in solid Catholic districts. Even among Catholics voting for the Right we find a Left tendency, a relatively stronger preference for Dr. Stresemann's People's Party than for the National Party. In the Catholic districts of Bavaria only 44% of the Catholics voted for the Center (Bavarian People's Party), while the Left's share of the Bavarian Catholic vote runs in some districts as high as 70%. In Bavaria, however, the non-Center Catholics distinctly favor the moderate rather than the radical Left. Dr. Schauff also estimates the percentages of the Protestant vote cast for the different parties. The National Party was found to be the most strongly Protestant, 88.1% of its votes coming from Protestant voters, or only 10% less than the proportion of Center votes coming from Catholics. Of all Protestant votes, the entire Right drew 49% and the Left 51%. According to Dr. Schauff there is a strong relation between "faithful" (*bekennnistreu*) Catholicism and Catholic votes for the Center. The Center is strongly entrenched in those districts where there are most *bekennnistreu* Catholics (except Bavaria), and weak in the others. Dr. Schauff gives numerous tables and descriptions of the methods used in this extensive and thorough investigation, to which students of suffrage and party problems are deeply indebted. It is to be hoped that the results of his investigation of the last German election will also be published. — JOHN B. MASON, University of Wisconsin.

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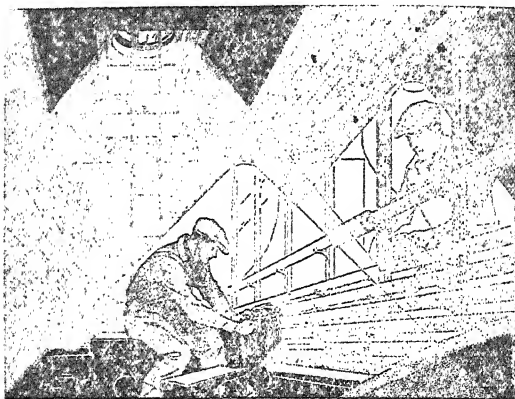
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so long as it gives actual and substantial weight and effect to wages, prices, construction costs, etc., prevailing at the time of the inquiry. Major issues of law and proof are still ahead.

Some of the economic dimensions of this controversy may be indicated by the following *approximate* figures, as of December 31, 1925:

(1) Par value of railroad securities in the hands of the public	\$18,000,000,000
(2) Original cost of railroad property as estimated by Interstate Commerce Commission	\$23,000,000,000
(3) Original cost as estimated by carriers	\$28,000,000,000
(4) Investment in road and equipment	\$23,000,000,000
(5) Cost of reproduction at 1925 prices	\$46,000,000,000
(6) Net income (1926)	\$1,200,000,000
(7) Return earned on (2) above	5.2 per cent
(8) Return earned on (5) above	2.6 per cent

The steam railroads of the United States have about 1,700,000 employees and, since 1920, have invested about \$600,000,000 in improvements each year. They handle 475 billion ton-miles of freight per year. Every fabric of the industrial, commercial and social life of the nation is most vitally affected by every issue which concerns these carriers, their continued capacity for service, and the rates which they charge the public.

Under such circumstances, there has inevitably been widespread interest in The O'Fallon decision, and that interest has increased rather than diminished during the months which have followed the filing of it on May 20, 1929. Many misapprehensions as to the scope of the decision have gained currency and have had extensive effects upon business conditions as well as upon individual investments.

The O'Fallon Case

It is characteristic of the American system of judicature that so momentous a controversy, affecting our whole economic structure, should be presented and determined in a cause involving a railroad with less than nine miles of main line track, constructed thirty years and more ago, and carrying on operations only on the smallest scale. The Commission tendered,

and the carriers accepted, this case as presenting a basic question as to the Commission's powers and duties in making valuations, and the case was elaborately briefed and argued on all sides. The decision was by a vote of five to three. The majority opinion was written by Mr. Justice McReynolds, with whom concurred Chief Justice Taft and Associate Justices Van Devanter, Sutherland and Sanford. Mr. Justice Brandeis and Mr. Justice Stone wrote dissenting opinions; each concurred in the other's opinion; and Mr. Justice Holmes joined in each of the dissenting opinions. In these minority opinions, many of the future battle-grounds of the law of valuation are prophetically sketched.

Analysis of the Majority Opinion

The majority opinion proceeds on clear-cut and simple propositions, assuming, as we must, that the facts before the Court called for their application:

The Interstate Commerce Commission is an agency created by the Congress.

In performing any duty delegated to it by the Congress, the Commission must act according to the authority so delegated.

If the Commission did not do so in valuing the property of The O'Fallon, "the action taken, being beyond the authority granted, was invalid."

"Whether the Commission acted as directed by Congress was the fundamental question presented."

The Court cut through or brushed aside several technical considerations, in order to reach the heart of the matter and render a ruling on the issue which, in common sense, was fairly involved in the controversy. It had been urged:

That the cause was not properly before the Supreme Court for direct review, under the Judicial Code as amended by the Act of February 13, 1925 (U. S. C., Title 28, Sec. 345).

That there was nothing reviewable by the Supreme Court because no question of confiscation or of constitutional law was involved.

That it was unnecessary to determine whether or not the Commission obeyed the statutory mandate to it, inasmuch as its order permitted The O'Fallon to retain an income great enough, in any event, to negative any charge of denial of constitutional right or infliction of actual confiscation.

The majority insisted that as "the only power to make any recapture order arose from the statute", the order must be annulled if made in disregard of the statutory direction, irrespective of the effect upon the particular carrier.

The present decision seems therefore to have considered the valuation of the railroad properties in terms of statutory construction; but the constitutional right has been to an extent defined. The constitutional right to the use and enjoyment of property devoted to a public use includes the right to earn a fair return upon the present value of such property, ascertained according to "the law of the land", as declared in decisions in which the constitutional right of public utility properties to protection against confiscation has been litigated and upheld. Present value is not a matter of statutory definition; it inheres in the constitutional right. The statutory provision embraced the constitutional feature in rate-making.

The O'Fallon case arose under Section 15a, the so-called "recapture" section, of the Interstate Commerce Act. The order of the Commission required the carrier to place in a "reserve fund" half of the sum by which its net railway operating revenue for each of the years 1920 (ten months), 1921 1922 and 1923 exceeded six per cent of the ascertained value of the property devoted by it to the public service. The Commission had made a valuation of the property of The O'Fallon under Section 19a of the Interstate Commerce Act, and Section 15a authorized and required the Commission, in a recapture proceeding under Section 15a, to use "the results of its investigation" under Section 19a and any "value so ascertained."

Section 15a further contained the specific mandate that the Commission—

shall give due consideration to all of the elements of value recognized by the law of the land for rate-making purposes, and shall give to the property investment account of the carriers only that consideration which under such law it is entitled to in establishing values for rate-making purposes.

The majority of the Court therefore deemed that the only authority of the Commission to value carrier property at all commanded the Commission to value it according to "the law of the land for rate-making purposes" and to give to the property investment accounts *only* such weight as they would be entitled to under general valuation principles as established in rate litigation.

Limitations of the Majority Ruling

This concept brought "the fundamental question" "whether the Commission acted as directed by Congress". It led to the *negative* conclusion that the Commission *had not* valued The O'Fallon property according to "the law of the land for rate-making purposes", but it did not lead the majority to discuss the metes and bounds of valuation according to "the law of the land" or the extent of the weight or probative force which it requires shall be given to the evidence of current reproduction costs, in the case of The O'Fallon or by general rule. "The weight to be accorded thereto is not the matter before us."

The exigencies of the present case were deemed by the majority to make it unnecessary for the Court to go further than a reiteration of its previous rulings that "the present cost of construction or reproduction" is *among* "the elements of value recognized by the law of the land for rate-making purposes", as "have been pointed out many times by this Court." When seeking to ascertain the value of railroad property, the Commission must "give consideration to current, or reproduction, costs" *for the reason* that the "Congress has directed that values shall be fixed upon a consideration of present costs along with all other pertinent facts, and this mandate must be obeyed."

The previous decisions to which the Court referred as pointing out "the elements of value recognized by the law of the

land for rate-making purposes" are: *Smyth v. Ames*, 169 U. S. 456; *Wilcox v. Consolidated Gas Co.*, 212 U. S. 19; *Minnesota Rate Cases*, 230 U. S. 352; *Southwestern Bell Telephone Co. v. Public Service Commission*, 262 U. S. 276; *Bluefield Water Works & Improvement Co. v. Public Service Commission*, 262 U. S. 679; *McCardle v. Indianapolis Water Co.*, 272 U. S. 400. The Court particularly quotes from its opinion in the *Southwestern Bell Telephone Company* case (p. 287):

It is impossible to ascertain what will amount to a fair return upon properties devoted to public service without giving consideration to the cost of labor, supplies, etc., at the time the investigation is made. An honest and intelligent forecast of probable future values made upon a view of all the relevant circumstances, is essential. If the highly important element of present costs is wholly disregarded such a forecast becomes impossible. Estimates for tomorrow cannot ignore prices of today.

The Court adds that "the doctrine above stated has been consistently adhered to by this Court"; for failure to follow it, the order of the Interstate Commerce Commission is annulled, on the ground that an agency of the Congress has refused to abide its only statutory authority. "Unfortunately", says Mr. Justice McReynolds for the majority of the Court, "proper heed was denied the timely admonition of the minority" in the Commission, which he quotes as follows: "The function of this Commission is not to act as an arbiter in economics, but as an agency of Congress, to apply the law of the land to facts developed of record in matters committed by Congress to our jurisdiction."

Grounds for Concluding that the Commission Gave No Weight to Present Wages and Costs

Significance attaches to the grounds on which the majority reaches the conclusion that the Commission did not in fact give any weight or effect to present costs of reproducing the carrier property. As to the report of the Commission, Mr. Justice McReynolds points out that:

Many objections are urged to doctrines approved by us . . .

The superiority of another view is stoutly asserted . . .

It carefully refrains from stating that any consideration whatever was given to present or reproduction costs in estimating the value of the carrier's property . . .

Four dissenting Commissioners declare that reproduction costs were not considered . . .

Two of the majority avow a like understanding of the course pursued . . .

The report itself confirms [the view of these minority and majority commissioners].

The basic consideration was no doubt the common realization that *in fact* the majority of the Commission had not given any calculable weight or effect to present wages, prices of materials, construction costs, etc., and had in fact given to the property investment accounts an exclusive or dominant weight contrary to the weight which may be accorded to that factor under "the law of the land" as declared in the cases cited by Mr. Justice McReynolds. The O'Fallon had not contended, for purposes of the present case, that the value of its property must be fixed at present reproduction cost new.

The Minority Contention as to the Scope of Judicial Review

The greater significance of The O'Fallon decision lies not so much in the precise points passed on by the majority as necessary for the decision of the instant case, but rather in *the contentions which the majority of the Court refused to uphold*, as embodied in the minority opinions. The full force and significance of what the majority did decide may best be comprehended by appraising the consequences of a contrary decision and a sustaining of the minority contentions.

The minority in the Court asserted that the majority in the Commission had "considered" present reproduction costs in valuing the carrier's property, but hardly ventured the assertion that weight or effect had been given to present costs, in reaching the figures stated as present value. The contention of the minority in the Court seems rather to be that it is no function of the Court to review and determine what weight, or what ex-

tent of effect, shall be accorded to present reproduction cost by the Commission, and even that the Court is in no position to say whether or not other factors affecting value have reasonably outweighed present wages, prices, etc., in the ascertainment of present value. On this point, Mr. Justice Stone said (Mr. Justice Holmes and Mr. Justice Brandeis concurring):

After stating that it had before it the evidence above outlined, including that of reproduction cost, and such other matters as the carrier desired to bring to its attention, the Commission added, "From this accumulated information we have formed our judgment as to the fair basic single sum values, not by the use of any formula, but after consideration of all relevant facts." That the Commission gave consideration to present reproduction costs appears not only from its own statement, but from the fact that it gave full effect to increased current market values in determining the value of land and traditions and betterments since June 30, 1914, taken at their cost less depreciation. In the light of those considerations which affect the present value of appellant's structural property which Mr. Justice Brandeis has mentioned, I cannot say that the Commission did not have before it the requisite data for forming a trustworthy judgment of the value of appellant's road or that it failed to give proof of reproduction cost all the weight to which it was entitled on its merits. Had the Commission not turned aside to point out in its report the economic fallacies of the use of reproduction cost as a standard of value for rate-making purposes, which it nevertheless considered and to some extent applied, I suppose it would not have occurred to anyone to question the validity of its order . . .

This Court has said that present reproduction costs must be considered in ascertaining value for rate-making purposes. But it has not said that such evidence, when fairly considered, may not be outweighed by other considerations affecting value, or that any evidence of present reproduction costs, when compared with all the other factors affecting value, must be given a weight to which it is not entitled in the judgment of the tribunal "informed by experience" and "appointed by law" to deal with the very problem now presented. *Illinois Central, &c. R. R. v. Interstate Commerce Commission*, 206 U. S.

441, 454. But if "weight in the legal sense" must be given to evidence of present construction costs, by the judgment now given we do not lay down any legal rule which will inform the Commission how much weight, short of its full effect, to the exclusion of all other considerations, is to be given to the evidence of synthetic costs of construction in valuing a railroad property. If full effect were to be given to it in all cases then, as the Commission points out in its report, the railroads of the country, valued by the Commission in 1920 at nineteen billion dollars, would have had in that year a reproduction value of forty billion dollars and we would arrive at the economic paradox that the value of the railroads may be far in excess of any amount on which they could earn a return. If less than full effect may be given, it is difficult for me to see how, without departure from established principles, the Commission could be asked to do more than it has already done—to weigh the evidence guided by all the proper considerations—or how, if there is evidence upon which its findings may rest, we can substitute our judgment for that of the Commission. Such, I believe, is the "due consideration" which the statute requires of "all the elements of value recognized by the law of the land for rate-making purposes."

As I cannot say *a priori* that increased construction costs may not be more than offset by other elements affecting adversely the present value of appellant's property, and as there was evidence before the Commission to support its findings, I can only conclude that the judgment below should be affirmed. In any case, in view of the statement of the Commission that it considered all relevant facts, including the elements of value brought to its attention by the carrier, I should not have supposed that we could rightly set aside the present order without some consideration of the probative value of the evidence of present reproduction costs which the Commission discussed at length in its report.

Cost to Reproduce an Agency of Like Capacity for Service

In a single sentence dealing with bases of valuation, the majority opinion indicated a possible view which may have future potentialities. In the *Indianapolis Water Company* case¹ the Court had said:

¹ 272 U. S. 400.

There is to be ascertained the value of the plant used to give the service and not the estimated cost of a different plant. Save under exceptional circumstances, the Court is not required to enter upon a comparison of the merits of different systems. Such an inquiry would lead to collateral issues and investigations having only remote bearing on the fact to be found, viz., the value of the property devoted to the service of the public.

This ruling was a part of "the law of the land for rate-making purposes" at the time of the Indianapolis decision. In his minority opinion in the instant case, Mr. Justice Brandeis indicated various factors which he considered as likely to offset present wages, prices, etc., in the ascertainment of present value, chief of these being "functional depreciation" as he broadly denoted it. He also cited specific instances of marked decline in the market or exchange value of carrier properties, even though the same were well maintained and had suffered no physical deterioration or depreciation. Perhaps with these instances of lessened market value in mind, the majority opinion said: "No doubt there are some, perhaps many, railroads, the ultimate value of which should be placed far below the cost of reproduction."

Citing several magazine articles, Mr. Justice Brandeis stated, in his dissenting opinion in this case, that:

Independently of any statute, *it is now recognized* that, when in confiscation cases it is sought to prove actual value by evidence of reproduction cost, *the evidence must be directed to the present cost of installing such a plant as would be required to supply the same service.*

The single sentence above quoted from the majority opinion in The O'Fallon case does not seem to go so far as to be a clear or explicit reversal or abandonment of "the law of the land" as declared in the *Indianapolis Water Company* case as above quoted.

The opinion of Mr. Justice Brandeis indicates that some of the future battles as to railroad valuation may center around this "substitute plant" theory or the claim of "lessened service value" or "functional depreciation" of the existing property.

For this contention, footnote 52 of his opinion cites first the "definition" contained in an article published in the *Public Utilities Fortnightly* (March, 1929), by Mr. Harry Gunnison Brown, as follows:

The "Reproduction Costs" Theory

The advocates of this theory of public utility valuation contend that the rates permitted should be high enough to allow a reasonable percent of return on the money that would now be required to construct a plant capable of rendering the desired service; they do not contend that the plant should be valued at what would now be needed to duplicate the plant precisely.

The distinction between the reproduction cost of a utility and the cost of installing a substitute plant of equivalent capacity had been pointed out by Mr. Justice Brandeis in his dissenting opinion in the *Southwestern Bell Telephone* case (1923), where he said:

If the aim were to ascertain the value (in its ordinary sense) of the utility property, the enquiry would be, not what it would cost to reproduce the identical property, but what it would cost to establish a plant which could render the service, or in other words, at what cost could an equally efficient substitute be then produced. Surely the cost of an equally efficient substitute must be the maximum of the rate base, if prudent investment be rejected as the measure.

He there rejected the theory that market or exchange value should be accepted as, or enter into the ascertainment of, present value, saying:

Value is a word of many meanings. That with which commissions and courts in these proceedings are concerned, in so-called confiscation cases, is a special value for rate-making purposes, not exchange value.

Nor can the present value of the utility be determined by capitalizing its net earnings, since the earnings are determined, in large measure, by the rate which the company will be permitted to charge; and, thus, the vicious circle would be encountered.

In his opinion, in the present case, Mr. Justice Brandeis suggests, *inter alia* :

Much weight is to be given to present and prospective earning capacity at rates that are reasonable . . .

Value is the sum on which a fair return can be earned consistently with the laws of trade and legal enactments . . .

The Commission . . . must in making the finding consider the effect upon value of both the commercial and the legal limitations upon rates and, among other things, the effect of competition upon the volume of traffic.

The value or rate-base . . . cannot be higher than the sum on which, with the available traffic, the fair return fixed under §15a can be earned.

The quarter-century of struggle over "physical depreciation" and "accrued" or "straight-line" depreciation, as deductions from the sums otherwise to be found as present value, seems to have been ended, and the new issue is broached as to "*functional* depreciation". Says the minority opinion:

The physical deterioration of a railroad plant through wear and tear may be very small as compared with a plant new, while its functional deterioration may be very large as compared with a modern efficient plant. This lessening of service value may be due to any one of several causes.

Beyond doubt the tenor of the dissenting opinions in The O'Fallon case gives reason for careful reflection as to the character and extent of the proofs which will advisably be required from engineers and executives in future valuation proceedings. Use of index figures and generalized percentages may not suffice. The opinion of Mr. Justice Stone is trenchant:

Without discussion of the evidence and other data which received the consideration of the Commission, the opinion of this Court seems to proceed on the broad assumption that the evidence relied on, mere synthetic estimates of costs of reproduction, must so certainly and necessarily outweigh all other considerations affecting values as to require the order of the Commission to be set aside. In effect the Commission is required

to give to such index figures an evidential value to which it points out they are not entitled when applied to railroad properties in general or to this one in particular, and this, so far as appears, without investigation of the soundness of the reasons of the Commission for rejecting them.

For the present, the ruling thus far made by the Supreme Court may appear to have little or no actual effect upon the valuations being found and reported by the Interstate Commerce Commission. Sooner or later, the issues of law and fact suggested by the minority opinions will doubtless be presented for adjudication, when there is brought before the Supreme Court, in recapture proceedings or rate litigation, a valuation made in harmony with them. Not until then will the bases of valuing railroad property be fully determined and known.

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THE mechanism by which foreign payments of a non-commercial sort (such as war indemnities) are executed and the effects which they bring about for the countries concerned have so far been investigated and explained only by one theory which is consistent both in itself and with the scientific system of which it forms a part; this is the theory developed by the classical economists. In its final form as found in the work of John Stuart Mill¹ this theory runs in the following terms: The payment of the war indemnity in the currency of the debtor country (or, to use the modern terminology, the internal "collection" of the war indemnity) lowers the price level in the debtor country by reducing its monetary circulation. This fall of the price level, in turn, increases the exports and reduces the imports of the debtor country until an export balance equivalent to its foreign political indebtedness is created. This export balance then makes the "transfer" of the war indemnity—to use again the modern verbiage—possible. This is the mechanism by which the payment is effected.

Its economic effect is that the creditor country is benefited in two ways: first by receiving a certain quantity of the produce of the debtor country as an indemnity, secondly by receiving all the other imports from the debtor country at a lower price. On the other hand, the debtor country loses twice: by exporting part of its produce without equivalent, and by receiving lower prices for the rest of its exports. This being the orthodox theory on the economics of war indemnities, we shall start our investigation by trying to find out how this theory has stood the test of experience.

Since the advent of the modern business economy there have been two occasions on which war indemnities have been paid

¹ John Stuart Mill, *Principles of Political Economy with Some of Their Applications to Social Philosophy*, Book III, ch. xxi, § 4.

and received on a large scale—first, during the last decade of the eighteenth and the first two decades of the nineteenth century in connection with the Napoleonic Wars, and second, at the conclusion of the Franco-German War of 1870. Of these two occasions the first has received scant attention from economists, for two reasons. The modern business economy was at that time still in its infant (or, according to Sombart, still in its “pre-capitalistic”) stage and secondly, in most cases payments of these war indemnities were effected under conditions which were too far removed from “normal”, harbored too many “disturbing factors” even for the most enthusiastic theorist. The difficulty of ascertaining just what the experiences of the countries paying and receiving war indemnities at that time were and the greater difficulty of drawing any generalizations from these experiences tended to frighten off prospective investigators.

It was an altogether different proposition with the second of the two occasions, the French indemnity of 1871. The economic problems connected with it were investigated and discussed in all their aspects by contemporary and later economists; some of these discussions have a surprisingly modern ring and certain contributions made in this connection are at least as valuable today as they were at that time.¹

Let us now try to ascertain how in the two cases mentioned the payment of the war indemnity was made, what its effect was on business conditions in the debtor and in the creditor country and, finally, what were the effects, if any, on business conditions in neutral countries.²

In dealing with the mechanism through which the payment of the war indemnities was effected we shall do well to adopt a distinction made popular by the report of the Dawes Committee, the distinction between (internal) “collection” and “transfer”.

We find that the collection of war indemnities during the

¹ An excellent bibliography of the works in question may be found in Horace Handley O'Farrell, *The Franco-German War Indemnity and Its Economic Results* (London, 1913), Appendix.

² This aspect of the problem was not dealt with in classical theory.

Napoleonic period took place by all possible ways and means: taxation by the government, raising of (frequently compulsory) loans, "veiled" taxation by the issue of unredeemable paper currency¹ and frequently also direct requisition by the enemy.

The transfer of the amounts collected did not constitute a separate problem on these occasions; collection and transfer took place *uno actu*. The greater part of the indemnities was used for feeding, housing and clothing the French armies on the debtor country's territory; the smaller part was discharged by the export of precious metals collected in the debtor country in the form of taxes, loans, etc., and shipped to France. As far as the first mode of payment was used, there was obviously no need for the country in question to secure an export balance in order to discharge its obligation; the commodity did not need to travel to the consumer, since the consumer came to the commodity. The second mode of payment might have been expected to result in increasing French imports by raising prices in France and lowering them in the tributary countries. Here, however, the continued warfare on the Continent proved to be a very "disturbing" factor for industry and commerce, which offset the effect of these changes in monetary stock on trade movements.

Somewhat more in accordance with classical theory was the economic mechanism through which was effected the transfer of the French indemnity of 700,000,000 francs after the battle of Waterloo. Here, indeed, we observe in the case of Prussia as one of the creditors, a rise of prices for which the increase in the country's monetary stock due to the discharge of the indemnity was partly responsible. This rise in prices led to a heavy import balance with all the consequences ascribed to it by classical theory. It is, however, almost impossible to ascertain how far France *paid* her war indemnity through the medium of a reduction in her price level with the consequent creation of an export balance.

¹ It is interesting to note that the Prussian government, after the disastrous war of 1806, scrupulously refrained from even the slightest move toward a policy of inflation. In general we find among the leaders of Prussia at that time a much keener appreciation of the nature and consequences of inflation than that exhibited by their successors a century afterward.

Turning now to the French war indemnity of 1871, we find that its collection was effected by means of three loans, the first (for the amount of 1,530,000,000 francs) being advanced to the government by the Banque de France, the second and third (known as the "two billion" and the "three billion" loan respectively) being obtained by the sale of government bonds in France and other countries.¹

The transfer of the war indemnity was effected in the following manner.²

	Million francs	Per cent
Sale of government securities abroad and of foreign securities held in France	1,400	29
Sacrifice of income from foreign investments	1,500	31
Net commodity exports	420	8
Coin and notes	1,000	20
Unaccounted for	600	12
	<hr/> 4,920	<hr/> 100

Two interesting and important facts are conveyed to us by these figures. The first is, that less than 10 per cent of the French war indemnity was paid for by an export balance in foreign trade; the second is, that France paid over 70 per cent of her war indemnity out of current revenues and less than 30 per cent by drawing on the principal of her foreign investments. This original reduction in the principal of French investments abroad was, moreover, offset (or more than offset) during the next two years. In 1874 and 1875 France had again an export balance of over 500,000,000 francs; this balance and the income from her remaining foreign investments taken together exceeded her previous loss of capital by about 200,000,000 francs.³

¹ Cf. Léon Say, *Les Finances de la France sous la Troisième République* (Paris, 1898), vol. I, pp. 363 *et seq.*; Horace Handley O'Farrell, *op. cit.*, pp. 2-3, 9; Arthur E. Monroe, "The French Indemnity of 1871 and Its Effects", *Review of Economic Statistics and Supplements* (Cambridge, Mass.), October 1919, pp. 269-81; F. W. Taussig, *International Trade* (New York, 1927), ch. xxii, pp. 263 *et seq.*; National Industrial Conference Board, *The Interallied Debts and the United States* (New York, 1925), ch. vi, pp. 138 *et seq.*

² Natl. Ind. Conf. Bd., *op. cit.*, p. 172.

³ *Ibid.*, p. 173.

Curiously enough, this fact escaped the notice of contemporary economists. When German economists maintained that, by raising a foreign loan, France had effected nothing but a change in creditors and merely delayed the meeting of her obligation, and when the French economist Wolowski in an article written at the end of 1874¹ admitted this charge but defended this policy by pointing to the unimpaired productive capacity and the rapid economic recovery of his country, both he and his German opponents were wrong in their fundamental assumptions. As a matter of fact, the deficit in the balance of French foreign investments amounted to only ten or fifteen per cent at the time when his article was written and was presumably eliminated eight or nine months afterward. By the end of 1875 France had paid the entire war indemnity out of her current foreign revenue.

We see, then, that in both of the cases before us, the transfer of the payments was not primarily effected by an export surplus of the tributary country. We have also found the reasons for this seeming discrepancy between theory and experience: in the case of the Napoleonic indemnities it was the presence of a large French army on foreign soil the support of which constituted the main item of the indemnity payment; in the case of the Franco-German War indemnity it was the existence of large foreign investments of the tributary country which made it possible for her to discharge her foreign obligations with only slight temporary export balances.

In both cases, however, the classical thesis concerning the automatism of the transfer was verified. There was, apparently, no transfer problem in the case of the Napoleonic indemnities, and in the case of the French war indemnity of 1871 the problem was not whether the transfer of the war indemnity could be effected but how to effect it with the least possible disturbance of the international money market; a problem which, on the whole, was successfully solved thanks to the skill of the French treasury officials.

¹ Louis F. M. R. Wolowski, "Résultats économiques du paiement de la contribution de guerre en Allemagne et en France", *Journal des Économistes*, Décembre 1874.

The result of our investigation has been, so far, that the classical theory was not verified in its thesis that the transfer of war indemnities would take place through the creation of an equivalent export balance by the tributary country, but that it was verified in its contention that the transfer would take place automatically. Examining the bearing which these results may have on the present German reparation problem, we find, however, that almost all economists uphold the validity of the first classical thesis but, implicitly or explicitly, deny the validity of the second. According to their almost unanimous opinion Germany will pay reparations by creating an equivalent export balance and the extent to which she can pay reparations hinges upon the amount of the export balance which she can establish.

The reason why the first classical thesis is upheld by writers on the reparation problem although it has been refuted by experience is that none of the "disturbing factors" present on previous occasions has now to be counted with: the payment for the support of the Allied troops on German territory constitutes only an insignificant fraction of the reparation annuities and will cease with the evacuation of the Rhineland; the foreign investments of Germany, on the other hand, have either been disposed of or confiscated; finally, the payment of reparations by raising foreign loans is, according to the almost unanimous opinion of writers on this subject, only a temporary expedient admissible during a period of transition, after which Germany's exportable surplus will have to provide not only for her reparation payments but also for the service of her foreign commercial debts.

The reason why the second classical thesis has been abandoned by economists although it has so far been verified by experience seems to be that they consider the reparation problem to transcend the limits within which the automatic working of the "Ricardian mechanism" is assured, these limits being drawn by a somewhat elusive but extremely potent factor—the country's capacity to pay.

It is interesting to note that the classical thesis on the automatism of transfers is now upheld by a few dissenters who are

"practical business men" and who think of their views as being rather revolutionary, although, as we have seen, they represent the most orthodox doctrine of most orthodox economic theory in a very literal application. The most notable among these dissenters are George P. Auld¹ and Robert C. Long.² Reduced to the simplest terms, their views are:

(1) The collection of the reparation payments in Germany results in the creation of an "economic surplus" which will be automatically transferred by lowering prices and raising interest rates in Germany. This transfer will take place either by the creation of an equivalent export balance or by the raising of new foreign loans, according to whether Germany will find it more profitable to increase her exports or to increase her foreign indebtedness.³

(2) There is no difference, from the economic point of view, between the foreign loans now contracted by Germany and the foreign loans contracted before the war by the United States, Russia and other capital-importing countries.⁴

Let us now consider these two points. Starting with the second, we find that the alleged identity in the economic character of the loans now advanced to Germany with those advanced before the war to the United States has been subjected to a lucid criticism in a recent work by Professor Max Sering,⁵ who advances the following objections: (1) The pre-war loans were advanced to thinly populated countries with great natural resources. In such countries a small additional investment of capital results in a large increase in national income. The present loans, on the other hand, are advanced to a densely populated country with relatively small natural resources where the reverse holds true. The former loans could, therefore, be expected, *a priori*, to take care of their interest and amortiza-

¹ George P. Auld, *The Dawes Plan and the New Economics* (New York, 1927).

² Robert C. Long, *The Mythology of Reparations* (London, 1928).

³ Auld, *op. cit.*, p. 162; Long, *op. cit.*, p. 53.

⁴ Auld, *op. cit.*, ch. xii (The Transfer Bugaboo and the American Investor).

⁵ Max Sering, *Deutschland unter dem Dawes Plan* (Berlin and Leipzig, 1928).

tion charges and still leave a large surplus, whereas the latter cannot be expected to do so with the same certainty. (2) The former loans were used entirely for the economic development of the country, but German loans are largely used for the payment of tribute and, to this extent, do not increase the wealth of the nation.¹ Professor Sering's arguments seem to be essential from the theoretical point of view. In our discussion of the first point made by Mr. Auld and Mr. Long we shall see that they also have far-reaching practical consequences.

It seems advisable to start the discussion of this first point—the alleged automatism of reparation transfers—by analyzing the nature of the “economic surplus” brought about by the collection of the reparations in Germany. An “economic surplus”, in the sense in which the two authors employ this term, obviously means a surplus of national production over national consumption. Theoretically, therefore, such an “economic surplus” may be created either by increasing production or by decreasing consumption. If we regard production as a more or less fixed quantity and let consumption decline to the bare minimum of physical existence, then this “surplus” will become very large and may amount in the case of Germany to perhaps more than half of the national income.² Under this assumption, too, the internal collection of the reparation payments will be tantamount to the creation of an equivalent “economic surplus”. In practice, however, there are several

¹ Sering, *op. cit.*, pp. 173 *et seq.*

² Some procedure of this kind was presumably followed by those experts of the Allied Powers at Versailles who estimated Germany's capacity to pay at 120 billion dollars.—*Cf.* Reginald McKenna, *Post-War Banking Policy* (London, 1928), p. 59. Mr. Long, too, seems at least occasionally to incline toward this method, e. g. when he tries to prove that tariff barriers are no obstacle to the payment of reparations by stating: “Utopia [i. e. Germany's reparation creditor] might raise her tariff so high that she could exclude all the former non-reparation goods from Germany, but in this case Germany would buy nothing at all from Utopia, and as she would still be paying the 10,000 pounds [i. e. her reparation annuity] to Utopia her old export surplus of 10,000 pounds would remain.”—*Op. cit.*, pp. 92-93. Incidentally, we may add, the one-fourth of the German population that depends upon foreign imports for its subsistence would starve.

reasons why such a course cannot be pursued. In the first place, the standard of living in Germany could not be depressed below a level which, according to Western standards, is considered decent, without creating the fiercest resentment not only in Germany but also in the creditor countries where the working population would, not without reason, consider German living conditions as a constant danger to its own standard of life. The social and political friction thus created would wreck any reparation scheme and might have even graver consequences. Secondly, a low standard of life in Germany would jeopardize all attempts to raise the productivity of labor. It has been proved by experience that poorly paid workers are inefficient and that it is impossible to raise the level of efficiency without raising wages. This is the experience which has found expression in the American aphorism about the "high cost of cheap labor".

By these two considerations mentioned the standard of living to be maintained in Germany and consequently the amount of wealth necessary to maintain it are for practical purposes pretty well determined. However, the German national income must not only maintain this standard of life for the present, but also leave for investment purposes a surplus large enough to secure a "decent" standard of life (which presumably will be higher in the future) for a constantly growing population.

If, then, the volume of consumption and the volume of savings in Germany are regarded as quantities which cannot be indefinitely compressed, the "economic surplus" becomes identical with the amount of wealth produced in excess of these two requirements. In this case, however, we have no guarantee that the reparation payments collected in Germany represent an "economic surplus" in the sense in which we have just defined this term. They may well exceed it, and if they do the consequence will be either a decline in the German standard of living below the level of "decency", or an insufficient expansion of production facilities in Germany, or, finally, excessive borrowing abroad to make up for the deficit in national savings. Let us now try to determine whether any of

these possible consequences has been actually realized in Germany.

With regard to the standard of living in Germany we have definite statistical information available to the effect that it has risen from the low point reached during inflation in 1923 to approximately the pre-war level. This information is conveyed to us by statistics of real wages, meat consumption, the yield of certain indirect taxes (like the sugar, beer and tobacco taxes) and by other indices which all tend to confirm this impression.¹ We may, therefore, state that, on the whole, a decline of the German standard of life below the level of "decency" has not taken place.

With regard to the second possibility—an inadequate accumulation of national savings in Germany—we have less statistical information. According to the estimates of the Reichs-Kredit-Gesellschaft,² which are liable to be too high, the volume of national savings in Germany amounted to:

6.4	billion marks in 1925
6.3	" " " 1926
7.6	" " " 1927.

In order to determine whether or not these savings are to be considered adequate we shall have to compare them with the volume of pre-war savings in Germany. We find that the volume of German savings in 1927 was nominally almost exactly equal to the volume of savings before the war, estimated by Helfferich at 8.5 billion marks, of which one billion was used

¹ It should be noted, however, that the statistical information available has to do mainly with the standard of living among the working classes. From information of a non-quantitative sort we gain the impression that the standard of life among the middle classes and also among the agricultural population in Germany is still considerably lower than before the war.

² *Deutschlands wirtschaftliche Lage im I. Halbjahr 1928*. A copy of this publication not being available to us, we obtained the figures referred to from quotations found in Long, *op. cit.*

³ Vitiating factors are: the rapid appreciation of German real estate during this period, the revalorization of German bonds and mortgages and the expansion of foreign deposits in German banks. In consequence of these factors there are many increases in book assets to which no increase in physical assets corresponds.

for the expansion of German investments abroad.¹ Reduced to their pre-war purchasing power, German national savings invested at home amounted to 60 or 70 per cent of their pre-war aggregate according to whether we deflate the marks of 1927 with the index of wholesale prices (fluctuating around 140) or with the index of construction costs in Germany (fluctuating around 170). Since the population of Germany was in 1927 only about 5 per cent below the average population of Germany during the period from 1910 to 1913, for which Helfferich's estimate was made, we may conclude that Germany's *per capita* savings are now from one-fourth to one-third smaller than the *per capita* savings before the war invested in Germany and that they are 35 to 45 per cent smaller than her total *per capita* savings accumulated in each of the three last pre-war years—always provided that the estimates of the Reichs-Kredit-Gesellschaft are not too high.

An accumulation of German capital at the present rate would have to be considered inadequate even during more normal times, even if there had been no war, no inflation, no stabilization crisis. It is obviously inadequate to meet demands of an exceptional character like those due to the waste of capital in war and inflation, the loss of productive equipment in the ceded territories, and obsolescence of technical equipment in consequence of the rapid technical progress of the last decade. It might be expected that Germany would have to contract extremely heavy foreign debts in order to satisfy even the most urgent needs of her economy. This expectation is verified by all the information we possess concerning the scale of her foreign borrowing since the adoption of the Dawes Plan.

Using again the estimates of the Reichs-Kredit-Gesellschaft we find that the foreign loans raised by Germany for productive purposes (excluding the loans raised for increasing the gold

¹ We follow Mr. Long's precedent of subtracting foreign investments from national savings, though it is uncertain to what extent a procedure of this kind is admissible. This procedure implies that the only amount important from the standpoint of national savings is the part invested in the expansion of the productive equipment at home while, as a matter of fact, an increase in foreign investments is at least equally important inasmuch as it also represents a gain in the country's wealth and presumably even a larger gain.

and foreign exchange reserves of the Reichsbank and of the private banks) have reached the following totals:

	<i>Long-term loans</i>	<i>Short term loans</i>	<i>Net capital import</i>
	(in billions of marks)		
1925	1.24	2.56	3.80
1926	1.60	— .95	.65
1927	1.34	3.06	4.40
	<hr/>	<hr/>	<hr/>
	4.18	4.68	8.86

Taking into account the foreign loans contracted for maintaining the stability of German currency, we find, then, that Germany's foreign debts have increased by about one billion dollars in 1925 and by 1.2 billion dollars in 1927. Estimates for 1928 are still unavailable but it is probable that the increase in Germany's foreign indebtedness during that year will be above rather than below the figure for 1927. The significance of these figures may be grasped most readily by considering that, according to the best authority, the total net increase in the foreign indebtedness of the United States during the eighteen years from 1896 to 1914, i. e. during the period of her most rapid economic expansion, amounted to only one billion dollars.¹ It might be argued that these figures are not altogether comparable on account of the decline in the purchasing power of money after the war. This decline, however, has been vastly more than offset by the rise in interest rates. If prices have advanced 40 per cent since the last pre-war year, interest has advanced, at least as far as Germany is concerned, by about 80 per cent. The average yield of a high-grade American bond amounted to 4 per cent before the war, whereas the present yield of a German bond of equal intrinsic value varies between 7 and 7½ per cent. Expressing the increase in Germany's foreign debt in terms of change in interest charges rather than in principal, we may state that, during each year since the adoption of the Dawes Plan (with

¹ Cf. Charles J. Bullock, John H. Williams and Rufus S. Tucker, "The Balance of Trade of the United States", *Review of Economic Statistics and Supplements* (Cambridge, Mass., 1919), p. 232.

the exception of 1926) the increase in Germany's interest on her foreign debt was at least 30 per cent larger than the increase in the interest on America's foreign debt for the eighteen-year period from 1896 to 1914.

The difference between the rate of increase in German and American foreign debts becomes still more impressive if we consider this increase in relation to the increase in national savings. The average annual increase in American foreign debts during the period 1896-1914 (yearly data are unavailable) amounted to about 55,000,000 dollars. This amount could have in no case exceeded 2 per cent of the yearly national savings, the latter being estimated at 15 per cent of the national income; in Germany, on the other hand, the ratio between the increase in foreign debts and the increase in national savings amounted, in 1927, to 62 per cent, as we readily discover by dividing the total estimated increase in foreign debts (4.75 billion marks) by the total estimated increase in national savings (7.6 billion marks). The ratio between the increase in Germany's foreign debts and the increase in her national savings was, therefore, at least thirty-one times higher in 1927 than the average ratio between these two magnitudes used to be in the United States before the war.

Even granting Mr. Auld's proposition that there is no difference in kind between the foreign debts incurred by the United States before the war and the foreign loans raised by Germany now, it would be inexcusable to shut our eyes to their tremendous difference in degree, i. e. toward the difference in the extent to which the practice of settling "current interest and sinking fund charges on that debt by incurring fresh debt"¹ has been pursued in one case and is being pursued in the other.

The salient point is, of course, whether these figures do or do not prove that Germany's foreign debts are increasing at an excessive rate. This question cannot be answered with a straight "yes" or "no" since it is impossible to determine *a priori* the limit of safety in a country's foreign indebtedness.

¹ Auld, *op. cit.*, p. 162.

It might be insisted, on purely logical grounds, that the foreign debts of a country may increase no matter on what scale as long as there is a single piece of property in that country which has not yet passed into the possession of foreigners. However, even if we state our conclusions in the most conservative fashion, we may still say that they suffice to shake a too serene confidence in the automatism of reparation transfers and that they go very far indeed toward endorsing the opinion of those who hold that Germany's borrowing abroad cannot continue for a considerable time at the present scale, or anything approaching the present scale, and that in the near future Germany will have to pay reparations out of her own current income. We shall therefore devote the next pages to considering what the prospects are of increasing Germany's "annual produce of labor" sufficiently to enable her to bear the additional burden of reparations.¹

A country's capacity to pay, i. e. her ability to produce an economic surplus in the sense in which we have defined this term (viz. as a surplus over what is needed to secure a decent standard of life for her present population and for her anticipated larger population in the future), obviously depends upon two sets of factors, one set determining her volume of production, the other set determining her volume of consumption.

If the working population forms a constant fraction of the total population, an increase in capacity to pay is to be traced to a single factor: the productivity of labor. The basic factor determining the productivity of labor is the ratio of the working population to the total resources of the country, i. e. the

¹ The reader should note that we are dealing here only with the factors determining the country's capacity to pay, assuming a perfect willingness on the part of the debtor country to discharge its obligations and an equal willingness of the creditor countries to facilitate their discharge. The policy to be pursued in order to assure a smooth working of the mechanism for the collection and transfer of reparations, within the limits set by the debtor country's capacity to pay and the creditor countries' capacity to receive, has been admirably described by F. W. Taussig in his recent article entitled "Deutschlands internationaler Handel und das Reparationsproblem", *Archiv für Sozialwissenschaft und Sozialpolitik*, Oktober 1928.

natural resources found on its own territory, as far as they are exploited, plus the foreign resources which it commands by virtue of political or legal claims as tribute or as interest on its foreign investments. At any given state of technique productivity will tend to move in direct proportion to the change in the resources and in inverse proportion to the change in the working population of a given country, this phenomenon being due to the operation of the so-called "law of diminishing returns".

It is a matter of common knowledge that Germany has suffered appalling losses in her resources in consequence of the war and of the peace treaty: losses in land, in mineral supplies, in property, in shipping, in economic rights, in colonial possessions. It seems advisable to give some estimates (necessarily approximate) of these losses since the facts concerning them are too well known not to be frequently forgotten.

The losses due to the confiscation of Germany's foreign investments and of her merchant marine are the easiest to evaluate. According to the estimates of Moulton and McGuire,¹ Germany's revenue from these sources, in 1913, was as follows:

	<i>Millions of marks</i>
Interest on foreign investments	1,000-1,250
Revenues from shipping	540
Revenues from insurance policies, etc.	340

Altogether, then, Germany's annual revenue from these three sources amounted to about 500,000,000 pre-war dollars or 700,000,000 dollars of present purchasing power, an amount larger than the German standard annuity under the Dawes Plan.

The losses in German resources due to the cession of German territory have been estimated by the German government at the following figures.² (The losses are given in percentages of the total output before the war.)

¹ Moulton and McGuire, *Germany's Capacity to Pay* (New York, 1923), p. 268.

² The estimate is cited in the article "Friedensvertræge", *Handwoerterbuch der Staatswissenschaften* (4th ed., 1927), p. 473.

	<i>Per cent</i>
Anthracite output	25.9 ¹
Iron ore output	74.5
Zinc ore output	68.3
Production of wheat and rye	15.7
Production of potatoes	18.0

To these we have to add the loss of the Alsatian potash mines to France.

In the third place we have to consider the losses of a non-material character, i. e. those occasioned by the confiscation of German patents, the liquidation of German business enterprises abroad, the rupture of long-established foreign business connections, etc.—losses which are none the less serious for their resistance to quantitative evaluation.

If we consider, finally, that Germany's loss of population in consequence of the peace treaty originally amounted to only 9.97 per cent and that this loss has subsequently been reduced to about 4 per cent by immigration from the ceded territories and by the natural increase in population, we should expect, *ceteris paribus*, a substantial decline in the productivity of labor in Germany.

Another factor making for a decline in the productivity of labor is the qualitative deterioration of the working force due to the loss in man-power occasioned by the war. In round figures German war casualties amounted to 2,000,000 dead and 1,500,000 crippled. Assuming that those crippled have lost, on the average, one-third of their productive capacity, we should then conclude that Germany's total war losses amounted to 2,500,000 of the most productive members of her working population, when their productive capacity was at its peak.

These losses have been partly compensated by the effects of the reduction in the German army and navy since the war. The personnel of the standing army and of the navy amounted, in round figures, to 900,000 men before the war. To this number we have to add some 400,000 workmen directly or

¹ Not counting the Saar basin the permanent loss of which would increase the total to *ca.* 38%.

indirectly engaged in the production of war materials¹—altogether some 1,300,000 men. The present personnel of the German army and navy, the workers now producing war materials and, finally, the additions to the police force made necessary by the reduction of the standing army, amount together to about 300,000 men. The total saving in man-power brought about by the reduction in Germany's armed forces may thus be estimated at 1,000,000 men. Subtracting this figure from the total of German war casualties we find that the total loss in German man-power amounts to some 1,500,000 men, a loss which is still serious enough.²

In Germany, as in the other belligerent countries, this loss in man-power occasioned by the war is, at the outset, not evident in the statistics available concerning the number and the changes in the working population of the respective countries. The general trend of economic evolution, which in Germany has been powerfully aided by the economic distress of the middle classes brought about by the monetary inflation, has brought new recruits to the ranks of the working population from the former leisure classes and this increase has, in all cases, more than offset the losses due to the war. This has happened in Germany to a particularly large extent; according to the latest German census the total population on the present territory increased by 7,419,022 between 1907 and 1925, while the increase in the working population amounted to 6,853,636 during the same period; this means that the present working population in Germany is some 3,500,000 larger than it would had been if there had been no war. The losses of the working population due to war casualties have been made good by increasing the fraction of the total population which is gainfully employed. This increase in the ratio between working population and total population would make for a greater "economic surplus" were it not for the deteriorated quality of the

¹ This is a rough estimate based on estimated expenditures for war materials.

² No attempt has been made in this estimate to make allowance for the changes in German territory and population brought about by the peace treaty since there is no information available concerning the distribution of war losses between the population of the ceded and of the retained territories.

working population. It is evident that such a deterioration of the working force must take place when old men or girls are made to perform jobs which formerly were entrusted to men between the ages of twenty and thirty-five.

The volume and trend of consumption in Germany, on the other hand, will be largely determined during the next decades by the fact that the increase in the German working population will be smaller than the increase of her total population, this being due to a simultaneous decline in the birth and death rates. According to the estimates of the Statistische Reichsamt the number of dependents per 100 persons gainfully employed will amount, during the next decades, to the following figures:

1925	110.7	1955	120.3
1935	115.4	1965	130.2
1945	115.2	1975	140.7

Up to 1945, then, the relative increase in the number of dependents in Germany, or—to put it the other way round—the relative decline in the German working population, will not be large and its effects are even likely to be beneficial, inasmuch as it will tend to relieve unemployment and encourage improvements in the utilization of labor, as the Agent General for Reparations has pointed out.¹ Later on, however, this discrepancy becomes too large to be offset by any possible increase in German employment and it will amount only to being an additional drain on the “annual produce of labor” in Germany and to reducing, as a consequence, any “economic surplus” available.

If we were to end our investigation at this point its result would be an unqualified endorsement of the most pessimistic views on the workability of the Dawes Plan, the Young Plan or any other possible scheme of reparation. Briefly stated, our conclusion would be that Germany has not paid reparations annuities out of her own national resources in the past (this fact is undisputed), and that the losses in her re-

¹ *Report of the Agent General for Reparation Payments, December 22, 1928* (Berlin, 1928), p. 162.

sources during and after the war as well as the changes in the relation between her working and her total population would make it impossible for her even to maintain the pre-war standard of life among her people, not to speak of the possibility of paying reparations on any appreciable scale. In harmony with Keynes,¹ Cassel² and others we should have to predict the collapse of the present system at the moment when Germany would be unable to obtain sufficient foreign loans not only for paying reparations but also for replenishing her wage fund to an extent which would permit her working population to maintain the present standard of life. The reason why we refrain from drawing this conclusion lies in our consciousness of having overlooked one important factor in this connection: the factor of technical progress. So far we have considered our problem under the assumption of "other things being equal" and we have now to find out how our conclusions will be modified by the fact that these "other things" will most certainly not be "equal". Technical progress will be the main factor responsible for their change.

Technical progress always results in increasing the productivity of labor in a given country but it does not necessarily increase its national product. It has the latter effect only to the extent to which it brings about an absolute or a relative increase in the country's natural resources, i. e. to the extent to which it either opens up new resources or improves the utilization of the resources already available. A classical instance of the first kind would be the recent inventions which use the nitrogen from the air for the production of fertilizers, while the second case is best illustrated by the improvements in the field of power machinery which make it possible to obtain the same amount of energy by using only half the quantity of coal necessary a decade ago. When technical progress does not result in an increase—absolute or relative—of a country's natural resources it may increase the productivity but it does not

¹ J. M. Keynes, in *The Nation and Athenæum*, September 11, 1927. "Reparations and interallied debts are mainly settled in paper and not in goods".

² Gustav Cassel, "The Dawes Plan Unworkable", *Financial News*, October, 1927, p. 25.

increase the product of its labor. The use of less labor to convert a certain quantity of raw materials into finished products does not increase the total wealth. The only effect of a technical progress of this sort, aside from a possible reduction in working hours, is to reduce the number of workers required, thus creating unemployment and ultimately changing the vocational distribution of the population.

It is true that even if technical innovations are not accompanied by an enlargement of natural resources the national product may be increased (1) by applying part of the labor released to a more intensive exploitation of existing natural resources or (2) through foreign trade, by exchanging final goods produced at lower costs against raw materials. Germany would have to rely chiefly on the second device. Obviously, however, the range of possible expansions in production is more limited in this case, and such expansions may, as far as Germany is concerned, result in grave disturbances on the world markets. Germany is now more than ever a country which has to subsist by buying raw materials which are hard to buy and converting them into finished products which are hard to sell; the reparation scheme, on the other hand, forces Germany to obtain what Professor Angell calls a "relative excess of commodity exports", i. e. "an excess relative to the position the trade balance would have occupied in the absence of the transfer operations".¹ Assuming now that it is found necessary to obtain such a "relative excess" in the German balance of trade to the amount of a millions of marks, Germany will have to secure, in the second case of technical progress, additional imports of raw materials to the amount of x millions. Her total exports, then, will have to be increased by $x + a$ millions, in order to bring about the desired effect. The volume of additional German exports will, then, be much larger than her "relative excess of commodity exports"; the pressure of German competition on the world market will be out of proportion to the effected changes in her balance of trade.

¹ James W. Angell, "Reparations and the Cash Transfer Problem", *POLITICAL SCIENCE QUARTERLY*, September, 1926, p. 347.

Having settled these preliminary questions we are now in a position to attack our main problem; the presumable effect of technical progress on Germany's capacity to pay.

Respecting the number and importance of technical inventions to be expected in the future and their effect upon the level of production, we may be reasonably optimistic. Pessimistic forecasts have been made by Professor Sombart with regard to the trend of productive activity in the old capitalistic countries.¹ Sombart's prognosis seems, however, somewhat doubtful. Our optimism is based, in the main, on the fact that inventive activity is being "institutionalized" to an increasing extent. Inventions, nowadays, are rarely made by individual effort and individual luck, but are, in the main, a product of continuous coöperative research carried on in a systematic fashion with all the technical assistance required. This kind of research activity is certain to yield results continuously, and since the research is carried out in close touch with the business concerns interested in improving their methods of production it is equally certain that the inventions will be applied to productive processes at the earliest possible moment. Inventions will be constantly made and applied although we have no way of knowing just what the importance of these inventions will be at any given period. We are, therefore, inclined to agree with the conclusion of one of Sombart's most prominent critics when he writes that "an economic mentality mitigating the quest for profits by social considerations, an economic order pursuing the same ends may, in connection with a high level of technical efficiency, still bring about the golden age of capitalism".²

¹ Werner Sombart, "Die Wandlungen des Kapitalismus", *Weltwirtschaftliches Archiv*, vol. XXVIII, pp. 243 *et seq.*

² Christian Eckert, "Aussichten des Kapitalismus", *Weltwirtschaftliches Archiv*, vol. XXIX, p. 25.

It is not without interest to note that predictions very similar to those of Sombart were made by the French economist Maurice Block towards the end of the depression following the crisis of 1873. M. Block's prognosis was also to the effect that a further expansion of the capitalistic economy would not take place on any considerable scale since the industrial revolution had almost spent itself and man's mastery over nature could not be carried much further. The

When we approach the problem of the prospective influence of technical progress on Germany's future capacity to pay, caution must tincture optimism. The question to be answered then, is not what future technical progress we may expect but how much of this technical progress will fall within the next two or three decades, during which the reparation problem will or will not be solved, and, further, to what extent these new inventions will be applied to German industry. Even when we bear these two points in mind we may still maintain that technical progress will produce a powerful tendency toward increasing the volume of productive activity in Germany and thereby toward increasing Germany's capacity to pay. We have now to investigate what forces will aid this tendency and what forces will counteract it.

The forces working with technical progress for an increase in German production will presumably be the pressure of necessity and the German genius for organization. We must be content with simply mentioning these factors without going into them any further, since they are of a psychological character and little can be learned about them by an economic investigation. They are, however, by no means unknown quantities, since it has been demonstrated what influence they had in averting the catastrophe with which economic life in Germany was threatened after the Ruhr war and the total depreciation of the German currency, and how instrumental they were in restoring the German economy to its present level of relative prosperity. We may expect these forces to work with undiminished efficiency in the future.

The factors which presumably will work against a rise in the German level of production may be classified under three headings: high interest rates, high taxes and the probability of a downward trend in the price level during the next decades.

There can hardly be any doubt that interest rates will be higher in Germany than in the other industrial countries for

utmost that could be hoped for was, according to that author, perfection in some details of the inventions already made. Maurice Block, "La Crise économique", *Revue des Deux Mondes*, Mars 1879.

the time being. The point which is open to discussion is the influence of this factor on the level of production in Germany. High interest rates tend to reduce the volume of productive activity by increasing costs of production and thereby decreasing business profits. Recent investigations conducted by Dr. Carl Snyder¹ have shown that interest charges constitute a relatively small item in the total costs of conducting business. Stock-market operations and wholesale trade are exceptions to this rule. These results, however, must again be qualified in two ways in order to make them applicable to German conditions.

The first qualification concerns the rôle of credit in German business enterprises. A distinctive feature of German business has always been the large measure of its dependence upon bank credits for working capital. Even before the war it used to be said that German business was conducted "on a margin". The virtual wiping out of all liquid assets through inflation has increased this tendency toward relying on bank loans for the supply of adequate working funds. German business concerns have, on the other hand, pursued an extremely conservative dividend policy since the stabilization of the mark and have taken care to reinvest substantial percentages of their earnings in their business. The very fact that interest rates are high will presumably encourage them to pursue this policy in future. The degree to which interest rates will influence costs of production in Germany will, therefore, ultimately depend upon the extent to which German concerns prove to be able to continue this method of "self-financing". We may, however, be sure that interest charges will always constitute a larger item in the costs of production in Germany than in the United States, because German industry will not be able for a long time to make good the losses in working capital due to inflation and to the economic crisis which followed it.

The second, and still more important, qualification concerns the availability of credit in Germany. In order to remove a

¹ Carl Snyder, *Business Cycles and Business Measurements* (New York, 1927), ch. xii, esp. p. 227.

most serious obstacle to an increase in the efficiency and in the level of German production it is absolutely essential that the interest rates quoted in Germany should be actual and not merely nominal. By this we mean that German business concerns should be able to secure for themselves adequate credit accommodations at these rates if their general position justifies a further increase in their bank loans. Wherever an industrial enterprise conducted on a high level of business efficiency and having ample assets may still be reduced to bankruptcy because national capital is unable and foreign capital is unwilling to tide it over a short period of financial embarrassment, there, indeed, we are in the presence of a situation which tends to discourage all efforts toward improving business technique and expanding business activity. This situation existed in Germany during the early phases of stabilization; it still exists in many countries of eastern and southeastern Europe; and there is no guarantee that Germany will not have to face it again. Our conclusion, then, is that credit conditions will tend to counteract expansion in German business activity to an appreciable extent, although their influence is likely to be smaller than that of the other two factors which are now to be considered.

Theoretically an increase in taxation, *ceteris paribus*, will always result in a decline in business activity, either by reducing business profits if the tax is paid by the producer, or by reducing the purchasing power of the public if the tax is shifted to the consumer. Actually it is well known that these "*cetera*" do not remain "*paria*", and the skill of the tax legislator as well as that of the tax administrator is shown in imposing and collecting the taxes in such a way that they will themselves create counter-tendencies which will neutralize their main tendency toward reducing business activity. Thus a tax on certain raw materials may lead to an improvement in their quality and utilization (this was the case with the tax on sugar beets before the war); a tax on business profits may lead to an improvement in business efficiency by putting a premium upon plowing earnings back into the enterprise in the form of silent reserves and also by stimulating the search for better methods of production and selling, it being a common experience that the

business man will exert himself more to avoid a decline in his profits than to secure an increase. Instances of this kind may be multiplied. Mere common sense would suffice to tell us, however, that this possibility exists only within certain limits. There is a point beyond which taxation cannot be increased without changing the negative correlation between the movement of the tax burden and that of the other factors in question into a positive correlation. If taxes have reached this critical point, the effect of their further increase on business activity would not be counteracted by the improvement of business efficiency but would be emphasized by its decline. "We cannot doubt . . . that taking the nation through there is a point beyond which, if taxation continues so high as to give only a very small return for additional effort and for the risk of additional capital, it will become a matter of general occurrence that the effort will not be made and the capital will not be risked".¹

Whether this point has or has not been reached in Germany is still a matter of controversy. The general impression seems to prevail that, at best, the level of taxation in Germany has come perilously near this danger point and may at any moment transgress it in future if it has not done so already. This view is presented in the well-known memorandum of the Agent General to the German government.²

The most serious obstacle to the future expansion of production in Germany and still more to Germany's capacity to pay

¹ Reginald McKenna, *op. cit.*, p. 48.

² The Agent General for Reparation Payments, *Memorandum for the German Government* (Berlin, October 20, 1927).

It has been frequently maintained that the purpose of the Dawes Plan was to equalize the tax burden in Germany and in the Allied countries. We cannot accept this view on the ground that it does not consider how the tax burden in Germany has been increased by the cancellation of the national debt. In the Allied countries *ca.* fifty per cent of the revenues are used for the service of internal debts, which means that fifty per cent of his taxes are "refunded" to the taxpayer in these countries in the form of interest and sinking-fund payments on government bonds held by him. In Germany this "refund" does not take place. A rate of taxation in Germany which seems to be equal to that in the Allied countries would in reality represent a tax burden which is twice as high.

would consist in a gradual decline of the price level during the next decades. If the general view now prevailing among economists¹ that we have entered into a long period of falling prices should be verified, this would affect Germany's capacity to pay in two ways: (1) by increasing the burden of reparation payments and of the interest and sinking-fund charges on Germany's foreign commercial debts and (2) by slowing down the rate of increase in Germany's productive activity.

That a fall in prices increases the burden of all debts previously contracted goes without saying. If prices fall twenty per cent the same amount of money will now buy twenty-five per cent more commodities than it did before, and consequently the debtor will have to increase his output and his sales by twenty-five per cent in order to discharge his obligation. The burden which this throws upon him is obvious and has been amply shown by experience. In the past this burden has been somewhat alleviated by the fall of interest rates during periods of declining prices. Even if such a decline should take place now it would be of little benefit to Germany; it would not decrease her reparation annuities which are fixed in money, nor would it decrease the interest charge on her long-term foreign debts, since almost all the German bonds issued abroad are unredeemable until the middle of this century and will therefore continue to yield their present interest, regardless of changes on the capital market.

While a decline in the price level will thus require a constantly increasing quantity of Germany's "annual produce of labor" for the discharge of her foreign political and commercial obligations, it is fairly obvious that it will also tend to prevent an increase in this "produce of labor". A fall in prices tends to bring about a decline in business profits which, in its turn, is the most effective check on expansion of business activity. This theoretical consideration has been amply verified by experience. All the statistical information available in

¹Cf. Gustav Cassel, *Post-War Monetary Stabilization* (New York, 1928), ch. ii, and, by the same author, *Memorandum on the World's Monetary Problems* (London, 1921).

the various industrial states tends to show that the rate of increase in productive activity was smaller during the period of falling prices from 1873 to 1896 than during the following period of rising prices extending from 1896 to 1914. The discrepancy between production trends during these two periods becomes still more marked if we consider the increase in production in connection with the increase in population, i. e. if we compare the trends of *per capita* production rather than those of total production.

It is, indeed, theoretically possible that the decline in the costs of production will be still greater than the decline in prices; in this case there would be an increase in business profits and an increase in business activity in spite of the decline in prices. To regard such a phenomenon, however, as a normal occurrence, would be quite unwarranted, although it was actually observed in the United States during 1925 and 1926 when a period of business prosperity coincided with a fall of the price level. On the whole we may still maintain that falling prices entail business depression, although this rule, invariably true before the war, will now be subject to exceptions.

Our conclusion, then, is that a substantial decline in the price level would be the largest single factor endangering the discharge of Germany's political and commercial obligations toward her foreign creditors. We can only hope that it will be possible, through coöperation between the central banks, through a gradual change in monetary habits and also, perhaps, through a change in the paying habits of the public, to prevent this fall of prices or, at least, to keep it within moderate bounds.

Having considered the factors determining Germany's capacity to pay, we may now sum up the conclusions which seem to be indicated. Germany's capacity to pay is, at present, a minus quantity but we may be reasonably certain that it will change into a plus quantity in the future. This change will be brought about through the upward trend in Germany's level of production. The cause of this upward trend will be technical progress aided by necessity and by the German genius for organization, counteracted by high interest rates, high taxes and

the presumable decline of the price level in all industrial countries.

It is obviously impossible to foresee what the quantitative result of this battle of conflicting tendencies will be. Estimating Germany's capacity to pay at the present moment and fixing her reparation burden in accordance with this estimate is, therefore, tantamount to making a guess and a guess which, necessarily, will be intuitive rather than intelligent. No harm will be done as long as this fact is kept well in mind. The danger will come if the decision of the Committee of Experts on the total amount of German reparations is accepted as the final verdict of an economic providence subject to no further revision. It is doubtless necessary to fix the total of German reparations in order to clear the political atmosphere and to stabilize economic conditions in Europe. This having been done, however, the reparation problem should not be dismissed from the mind of the public and its leaders as a *res iudicata*. Another revision may become necessary should economic events fail to shape themselves in the way foreseen by the experts. Luckily, there are two circumstances which bid fair for a successful settlement of the reparation problem: the first is that it has been dealt with by a body of economists and financiers rather than by a body of politicians; the second is that the final verdict will be given by the investors of all countries who will approach the problem from the point of view of what they can safely invest in German bonds rather than how much they should exact from Germany according to their ideas of abstract justice.

Assuming now that the reparations imposed upon Germany remain within her capacity to pay, the question arises as to how their payment will be effected. In the past debtor nations have discharged their obligations toward their creditors by securing an export balance in their foreign trade and also by contracting new foreign loans.¹ To a large extent old debts have been paid off by incurring new ones. This may seem somewhat strange, but we have to consider that a perpetual in-

¹ Cf. Natl. Ind. Conf. Bd., *op. cit.*, p. 186, and tables on pp. 141, 155, 164.

crease in a country's foreign indebtedness is far from being a cause for alarm, provided there is a corresponding increase in the country's wealth. If this is the case, an increase in foreign debts simply means that capital yields a higher return in the country than abroad and that it is, therefore, unprofitable to export the wealth produced.

Germany will, in all probability, follow the example of the other debtor countries. We may, then, expect her to have a modest export surplus in her commodity-balance of trade which, together with some "invisible" items (receipts from shipping, expenditures of foreign tourists, etc.) will take care of a part of her current reparation payments and of the interest payments due on her foreign commercial debt. The rest will be discharged by new foreign loans. As the years advance, the percentage of Germany's political and commercial obligations discharged out of a current surplus in her balance of foreign payments will presumably increase.¹ Her total debt will then remain more or less constant. A redemption of her foreign debt on any considerable scale could take place only if some emergency should increase the demand for goods on the part of Germany's creditors to such an extent that they would be obliged to dispose of their claims on Germany in order to pay for their imports. We need scarcely point out that this emergency is almost inconceivable except as the result of a new war, and for this reason we must sincerely hope that Germany may be spared the doubtful blessings of such a debt reduction.²

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¹ Angell, *op. cit.*, p. 334.

² In the second and concluding part of this essay, to be published shortly, the author proceeds with a discussion of the effects of reparation payments on business conditions.—Ed.

PARTY GOVERNMENT IN THE IRISH FREE STATE

THE members of the committee which drafted the constitution of the Irish Free State were all very suspicious of party government and party organization. This suspicious attitude did not derive from close study of the writings of Ostrogorski, Michels or Bryce, but rather from intimate personal experiences of the party machines of Ireland and the United States. The power of the party boss and the misuse of the Tammany organization in the United States were personally known to at least one member of the Drafting Committee, and the Irish affiliations of Tammany were known to all. Moreover, every member of the committee had personal, and often painful, experience of the party machine in Ireland. They had all known its rigidity, its local bosses, its stern discipline, and its use of the spoils system of rewards for services rendered. The rewards were, of course, infinitely greater in the United States than in Ireland: in Ireland they consisted mainly of local jobbery, petty profits from contracts, some little bribery, and a few honorary titles of distinction; all except the titles have been abolished since the Free State came to function. In the United States and in Ireland politics would seem to have been synonymous with pickings to most people, and as membership of the Constitution Committee was drawn exclusively from Ireland and the United States the "spoils" view of party organization was implicit in the constitution which was the outcome of their discussions. The Irish members of the committee had all been subjected to personal abuse and petty persecution because of the heterodoxy of their political opinions in days when the Irish Nationalist Party machine dominated the country's politics. Such epithets as "crank", "sorehead", "rainbow-chaser" and "snake-in-the-grass" had been commonly applied to them by the bosses of the United Irish League, and by the party organs in the press, for many years. They knew that a strong party organization meant in-

evitably the suppression of independent political opinion, and they knew also that in its earlier stages certainly the Irish Free State would require more than anything else freedom of political thought and freedom of political expression. It was not in Nationalist Ireland only that suppression of political independence was common; it was no less a characteristic feature of the Orange and Unionist organizations in Northern Ireland, where they have now complete dominance owing to the partition of the country. The old party machine has kept its control there under the new conditions, and has made certain of the continuance of that control for many years by abolishing the proportional representation method of electing its Parliament. But in the Free State the old party and the old organizations had been swept out of existence at the general election of 1918, and the new currents of opinion had not been gathered into party organizations by the time the Free State came into existence in 1922. The old party had been discredited in every way, and the new movement of political idealists endeavored to avoid party domination.

Consequently the makers of the Free State constitution applied themselves to the task of keeping party government and party organizations under strict control and within defined limits. That is not to say that they tried to prevent the formation of political parties altogether, because in fact there is no reference whatever to parties in the constitution. The free expression of opinion, freedom of assembly, freedom of the person, and freedom of association, are all guaranteed by the constitution as fundamental rights, and, of course, there is under this guarantee complete freedom to organize and maintain political parties. It was in the methods of working the machinery of government that it was sought to confine and control the interference of party organizations. The Parliament (*Oireachtas*) consists of the king and two houses, a Senate (*Seanad*) and a Chamber of Deputies (*Dail*), and under the electoral system which operated until the year 1928 both houses were directly elected under the proportional representation system of the single transferable vote. For the Chamber (*Dail*) every person, without distinction of sex, twenty-

one years old is entitled to a vote, and is equally eligible for election as a deputy. But election to the Senate was (until the recent amendments were passed) a more complex matter. For the Senate, under the original system, a candidate had to be at least thirty-five years old (now reduced to thirty) and must be deemed to "have done honour to the nation by reason of useful public service" or have "special qualifications or attainments" to "represent important aspects of the nation's life". Under the original system (which has now been amended) the candidate for the Senate had to be nominated by either house to a panel consisting of four times the number of candidates that there were seats to be filled before a constituency of the entire Free State voters thirty years of age and over had an opportunity of making a selection by proportional representation. Since the adoption of the constitution in 1922 there have been three elections for the Chamber of Deputies and two for the Senate. The first general election of deputies was in 1923, and in 1927 there were two within three months of each other; the first election of senators was held in 1925, when one-quarter of the house originally nominated had to retire and submit itself to the judgment of the electorate, and the second senatorial election occurred in December, 1928. The results in all five cases throw an interesting light upon the efforts of the constitution-makers to thwart party control in so far as the machinery of election is concerned.

In itself the single transferable vote system of proportional representation holds safeguards against undue party encroachment, inasmuch as it encourages every variant of political and social opinion to nominate candidates representing its own peculiarities. Experiments can be tried with impunity because if the candidate nominated secures such small support that any chance of election is hopeless the votes cast for him are not lost, as they would be under the "block-vote" system, but are transferred to the second, or later, preferences of the voters, thus making certain that if no representation can be secured for a peculiarity in politics a group large enough to control the executive can be supported. So it has happened that at all the elections to the Free State houses large numbers of candidates

who described themselves as independents, but who were really representative of certain sectional, business or other interests, were nominated, and where they failed to secure election the second preferences were overwhelmingly in favor of the existing government. In the general election of 1923 there were seven definite party groups presenting candidates for election, in addition to a large number of independent candidates in every constituency, and the result of the election gave to independents 15 seats in a house of 153 members. In the earlier election of 1922, at which the main subject for decision was the constitution itself and the treaty upon which it was based, efforts had been made to preserve the *Sinn Fein* organization without division, but the negotiations for a pact broke down with the result that those for and against the treaty formed separate organizations, and the Labor Party entered the electoral struggle for the legislature. The result of the 1923 general election for the Chamber of Deputies is not of very great consequence, because the second largest group, consisting of nearly 50 deputies, refused to enter the Chamber, which in effect was thus reduced to little over 100 members, of which the government group alone accounted for about 60. Thus for four years the majority at the disposal of Mr. Cosgrave was more than adequate for all purposes.

The two general elections for the Chamber of Deputies held in 1927 are much more interesting for a study of the working of the system of proportional representation. As a consequence of the determination of the government to enforce the oath of allegiance at the time of nomination the *Fianna Fail* Party (Republicans) decided to take the seats it had won at the election in June and only the extreme Republicans (*Sinn Fein*) continued the abstentionist policy. This action placed the government in a minority of one or two in a full house, but when the actual test came with a vote of confidence the absence of one member made the voting equal and the casting vote of the chairman continued the government in office. The house was adjourned, and promptly the government advised the governor-general to dissolve it and order a new election. The constitutional aspects of this decision have never been adequately

discussed, but a precedent was created which may have far-reaching consequences in the future. The following tabular statement will best illustrate the actual effects of the proportional representation system in the two elections of June and September, 1927:

Party	Seats won in June election	Votes cast in June election	Seats in pro- portion	Seats won in September election	Votes cast in September election	Seats in pro- portion
Government	47	314,684	43	62	457,565	60
Fianna Fail.....	44	299,626	40	57	411,570	54
Labor	22	143,987	19	13	107,637	14
Farmers	11	109,114	14	6	70,000	9
National League.	8	84,048	11	2	19,000	2
Independents ...	14	139,679	19	13	104,874	14
Sinn Fein, etc. ..	7	56,218	7			
Totals.....	153	1,147,356	153		1,170,646	153

It will be noted that in the Irish Free State, as in other places where proportional representation is operative, the larger parties receive slightly more than their strictly proportionate share of the seats. This is accounted for by the moderate size of the constituencies, and the impossibility of transferring ineffective votes from one constituency to another. What is quite certain of the results of the system in the Irish Free State during a very severe trial is that every shade of opinion which had any considerable magnitude secured representation; there has been no suppression of minorities, and small groups have not secured any exaggerated importance. Had the block-vote, with single-member constituencies, been maintained in Ireland after the Free State began to function all the political troubles would have been emphasized, because it is quite probable that a minority of votes could have secured control of the government just as it has happened in Great Britain. For a time the Executive Council seemed to be dissatisfied with the system, and in the course of his exposition of policy prior to the election of June, 1927, Mr. Cosgrave indicated an intention to revert to the older system; but since then he has seen that pro-

portional representation introduces a stability into politics which is essential in the formative years of a new state. The marginal difference between one election and another which can make such sweeping changes in English party politics under the block-vote system might well have proved disastrous for Ireland in the years from 1922 to 1927. Had the English system been operative in the Free State in September, 1927, it is not at all unlikely that the *Fianna Fail* Party would have secured a majority, as there was widespread opposition to a recent enactment of the government called the Public Safety Act, which virtually suspended the constitution under certain given conditions.

On the whole there can be no doubt that the proportional representation system has been of incalculable benefit to the Irish Free State, and so much is this now realized that opposition to it has completely subsided. Those who thought that its complexities would baffle a comparatively uneducated electorate have had their fears dispelled by the Senate election of 1925. In this election voters were confronted with a ballot paper containing the names of seventy-six candidates, yet 305,701 valid votes were recorded, and only 9,466 votes were spoiled. When the great difficulty of that election is considered, the very low percentage (three) of invalid votes must be specially recorded as showing that the system can be easily mastered by almost any electorate. In this election eighty-eight per cent of the votes cast were actually used in the choice of the nineteen successful candidates, and the first preferences of fifty-two per cent of the voters secured seats in the Senate. So the *Irish Times* could say in its comment upon the election: "Whatever the Senate election may have pilloried, it did not pillory the system of P. R. which has emerged very creditably from an exceedingly severe test." As some two months had to elapse between the date of the poll in this Senate election, and the date when the seats would be vacant, there was time enough to demonstrate the methods of P. R. in great detail. The newspapers published the placings of the candidates from day to day, showing the transfers of votes as candidates had surpluses or were eliminated. From this the electors could

follow their own votes, and the various stages showed how votes were made operative in the most effective way. The whole system was accurately summarized by a candidate who had watched the entire process from within when he said: "P. R. acts as an introduction to civics". There is no doubt that the selection in successive elections of the candidates in a preferential order must inevitably increase the consciousness of citizenship, of effective participation in public affairs, and of the direct exercise of self-government. That P. R. has had this effect in the Irish Free State cannot now be disputed: an electorate which was thought to be dull and apathetic has proven just the contrary.

It is probable that the drafters of the constitution believed that the proportional representation system would result in the formation of a large number of groups in the two houses, and seeking, as they did, administrative efficiency rather than political dominance in the departments of state, they attempted to make every provision to that end. In the original draft constitution these provisions were clearly set out in article 50, which reads as follows:

The executive authority of the Irish Free State is hereby declared to be vested in the King, and shall be exercisable, in accordance with the law, practice and constitutional usage governing the exercise of the executive authority in the case of the Dominion of Canada, by the Representative of the Crown. There shall be a Council to aid and advise in the government of the Irish Free State to be styled the Executive Council. The Executive Council shall be responsible to the Chamber (*Dail*), and shall consist of not more than twelve Ministers appointed by the Representative of the Crown, of whom four shall be members of the Chamber and a number not exceeding eight, chosen from all citizens eligible for election to the Chamber, who shall not be members of Parliament during their term of office, and who, if at the time of their appointment they are members of Parliament, shall by virtue of such appointment vacate their seats; provided that the Chamber may from time to time on the motion of the President of the Executive Council determine that a particular Minister or Ministers not exceeding three, may be members of Parliament in addition to the four members above mentioned.

Only the president and vice-president of the Executive Council were, by the terms of this original draft constitution, required to be members of the Chamber. The other ministers were to be "chosen with due regard to their suitability for office and should as far as possible be generally representative of the Irish Free State as a whole rather than of groups or of parties". In the constitution as finally accepted, and still generally operative, however, it was provided that the total number of ministers should not exceed twelve, and of these not more than seven nor less than five were to compose the Executive Council. Ministers who were not to be members of the Executive Council were to "be nominated by the Chamber (*Dail*) on the recommendation of a Committee of the Chamber chosen by a method to be determined by the Chamber, so as to be impartially representative of the Chamber". The position of ministers who were not to be included in the Executive Council was thus set out:

Every Minister who is not a member of the Executive Council shall be the responsible head of the Department or Departments under his charge, and shall be immediately responsible to the Chamber for the administration of the Department or Departments of which he is the head: Provided that should such arrangements for Functional or Vocational Councils be made by the Oireachtas (Parliament) these Ministers, or any of them, may, should the Oireachtas so decide, be members of, and be recommended to the Chamber by, such Councils. The term of office of any Minister, not a member of the Executive Council, shall be the term of the Chamber existing at the time of his appointment, but he shall continue in office until his successor shall have been appointed, and no such Minister shall be removed from office during his term otherwise than by the Chamber itself, and then for stated reasons, and after the proposal to remove him has been submitted to a Committee, chosen by a method to be determined by the Chamber, so as to be impartially representative of the Chamber, and the Committee has reported thereon.

These extracts show that the ideas of the original Drafting Committee were considerably altered and modified before the actual constitution was accepted and made operative. The

Drafting Committee endeavored to include almost every device which has been put forward by political theorists for combining efficiency and continuity with a democratically representative régime. Thus in the administration the Irish Free State would have had personal responsibility, fixity of tenure, vocational councils, which in conjunction with the initiative and the referendum would have tended to place the entire control directly in the hands of the sovereign people, and would inevitably have reduced Parliament in time to a negligible factor in the political scheme. Every country in the world was called upon for something; for its ideas upon ministerial control and responsibility the Drafting Committee went to the United States. But as the political machine has actually functioned it has approximated more and more closely to the British parliamentary model. All the ministers have been, from the beginning, though they need not have been, members of Parliament, and a precedent was created from which departure in the future would have been difficult even had amendments not made it unnecessary. And even more significant was the fact that all the ministers belonged to one party in the Chamber. So despite all the well-laid plans of the drafters of the constitution there has been, in fact, a definitely party government in the Irish Free State from the very first day of its existence. It could not have been otherwise in Ireland, as the only political training that the Irish people ever had was in party methods and party organization. The excellent theories and the practices of other countries embodied in the articles of the constitution have been overborne by the facts and the realities of Irish political life, and the constitution of the Irish Free State has already been as much amended in five years as the constitution of the United States in a century.

The object of the constitution-makers was a "business government", composed of the very best administrators whom the nation had at its disposal. Ministers were to be chosen because of their qualifications and experience rather than their membership in the Chamber or their political connection. The Irish members of the Constitution Committee, at least, were fully aware of the inefficiency of many Irish services, and of the

nepotism and jobbery that often passed as patriotic zeal. It was the intention to eliminate all that from Irish political life as quickly as possible, and as far as a written constitution could effect that purpose every safeguard in use in any country was availed of and inserted in the constitution of the Irish Free State. But political facts and events proved much too strong for political theory, and tradition stronger than paper. So long as there was only one party in Irish politics the constitution might have worked admirably, but when the cleavage came the constitution inevitably must change. From 1918 to 1922 there was only one party in what is now the Irish Free State; that party was loosely called *Sinn Féin*, and it undoubtedly had the great mass of national opinion behind it. When the "treaty", which was negotiated and signed in London in December, 1921, between Irish and British plenipotentiaries, came to be ratified by the Irish deputies, division was certain, and a new party alignment came into being. It is easily forgotten that the agreement with Great Britain was only accepted by the Irish representatives, sitting as the first *Dail Éireann* although elected to sit in the British House of Commons, by the very narrow margin of seven votes; the voting being 64 for acceptance and 57 against in a house of 121 members. After that division the minority left the house and did not again enter it until August, 1927. Thus two new parties were created, the majority calling itself *Cumann na nGaedhal* (the League of the Gaels), and the minority retaining the original name of *Sinn Féin* (Ourselves). *Sinn Féin* remained definitely Republican, demanding what it termed External Association with the British Commonwealth, while *Cumann na nGaedhal* accepted membership in the British Commonwealth and the oath of allegiance to the king. Since 1922 other cleavages have occurred, and new parties have been formed.

For the first Irish Free State general election in 1923 an effort was made to stereotype the old party strength by agreement between the two new groups, but the agreement was broken and the two groups fought each other at the polls. It was at this election that the Irish Labor Party entered national politics as a distinct entity, and another new party was created

by the entry of the Irish Farmers' Union into politics. Thus in the first general election there were four clearly defined parties, each with a definite policy, in addition to a large number of independent candidates. The dominating issue of the election was the "treaty", involving the status of a Dominion in the British Commonwealth and an oath of allegiance to the British king as head of that Commonwealth, and practically nothing else was considered, although the Labor and Farmers' parties both concentrated upon economic issues. The result showed that 109 members had been elected to support the "treaty", and 44 against it. The 44 members did not take their seats in the Chamber, and so the House which laid the foundations of the new state consisted of only the 109 members who favored acceptance of the "treaty". The provisional government presided over by Mr. William Cosgrave remained in office, merely shuffling the portfolios, and the Labor Party under the leadership of Mr. Thomas Johnson became the official opposition. The House was composed of 54 *Cumann na nGaedhal* members, 11 Labor, 17 Farmers' and 17 Independent members. Thus Mr. Cosgrave had a safe majority of 19 over all other groupings, and as he could also count upon the general support of the Farmers and the Independents his power was overwhelming in the years from 1923 to 1927. Party groupings in the Senate do not matter very much, as the Senate has only power to delay ordinary legislation for a short time, and has no power whatever in finance.

It was when the time came for the nomination of the ministers that the party alignment of members really showed itself more powerful than the articles of the constitution and the intentions of the constitution-makers. The Committee of the House was duly appointed as the constitution directed, and it, of course, consisted of a majority of the government party. No radical changes were made: the Executive Council lost two of its members by resignation after a quarrel with the Council about discipline and administration in the army. The extern ministers, as those who are not members of the Executive Council are named in the Constitution, were all renominated and held their portfolios throughout the Parliament. No

person who was not a member of the majority party was nominated; neither was anyone who was not a member of the Chamber. No members of the Senate were thought worthy to hold portfolios; indeed the suggestion that senators should be eligible for ministerial office was resented by the then vice-president of the Executive Council, the late Kevin O'Higgins. The abstention of the 46 Republican deputies gave the government a fictitious majority and made domination by a single party possible at a very critical moment in the constitutional history of the Free State, and it is highly probable that the precedent then established will be followed by all victorious parties in the future. Had the Republican members been in attendance, and represented proportionately upon the committee which nominated the extern ministers, there can be no doubt that more attention would have been given to the spirit of the constitution, and that some of the extern ministers would have been chosen from minority groups, any of which could have produced excellent candidates for the positions. Had the intentions of the constitution-makers been heeded, the composition of the ministry, outside the Executive Council, would have been very different, and it is probable that the party system would not have become quite such a prominent feature in the political machinery of the Free State.

That is not to say that the work of the ministry would have been any better, or that the standard of ability would have been higher. There is no doubt that Mr. Cosgrave's first ministry served the new state magnificently in its formative years, and that it placed solid foundations upon which future ministries may build with confidence. In 1922 an armed revolt had to be suppressed at great cost in lives, money and buildings, and it was not until after the general election of 1923 that economic, social and political affairs could be dealt with. The two most important factors in the life of any state are security and finance, and to these the two most capable ministers gave full attention, Mr. Kevin O'Higgins at the ministry of justice and Mr. Ernest Blythe at the ministry of finance. Unfortunately the bullet of an assassin deprived the state of the services of Mr. O'Higgins in July, 1927, but by that time he had given

the country a splendidly organized and disciplined police force and a competent judicial system.

To Mr. Blythe's department was given the heavier burden of securing the national finances, while at the same time paying adequate compensation to all who had suffered loss in the armed insurrection of 1922. Not only has all the compensation been paid, but much new work has been undertaken and financed. Two national loans have been successfully floated in Dublin and New York, large sums have been expended in providing new roads, thousands of houses have been erected in the towns, taxation has been reduced, long-term credits have been placed at the disposal of farmers, the great hydro-electrical scheme on the Shannon has been contracted for, a sugar-beet industry has been subsidized, industry has been stimulated by a subsidized Finance Corporation, a Currency Commission has been set going, and a new currency is about to be introduced; and despite all this the national budget is balanced and the national finances are in an exceedingly healthy state. An "adverse" trade balance is being slowly and steadily reduced, and the country is reaching a time when its exports will probably exceed its imports. The greater part of the credit for this must be given to the minister for agriculture, Mr. Patrick Hogan, who reorganized the agricultural economy of the country in a radical manner. Irish agricultural produce is now graded and packed in a most engaging way, and only the highest grades are permitted to be exported. The consequences of this policy are higher prices and expanding exports. Local government, too, has been overhauled and the pernicious Poor Law system of workhouses abolished; but in this department much yet remains to be done. In the sphere of politics proper, the Irish ministry for external affairs has done much to clarify the meaning of "Dominion Status", and the great work of the Imperial Conference of 1926 was largely imitated by the Irish Free State representatives; the famous so-called "Balfour Memorandum" owes more to the late Kevin O'Higgins than it does to Lord Balfour, who presented it to the Conference by virtue of his presidency of the committee. The Irish Free State, too, was the first Dominion to appoint min-

isters in foreign capitals, and to accept candidature for a seat in the Council of the League of Nations. The Dominion of Canada followed, and actually won a seat in the Council.

This whole question of "Dominion Status" has been one of the formative forces in the Irish party system. The Irish people as a whole favored the "treaty" mainly on the understanding that "Dominion Status" was to be used as a "stepping-stone" to the achievement of complete independence. The government of which Mr. Cosgrave is the chief has talked little of this policy, but the party of Mr. de Valera has made it a main objective. Neither party can afford to ignore popular expectations, and consequently the question must be pressed to an issue sooner or later. Already it would seem that the greater part of Mr. de Valera's ideal of "external association" had been achieved; the Dominions now rank equally with Great Britain in the councils of the Commonwealth, they appoint their own ministers to foreign capitals, are independent in the League of Nations, and are in no way subordinate to government departments in London, each Dominion government being responsible to the king alone in his strictly constitutional capacity.

The substance of "external association" has been won, but Mr. de Valera's party has concentrated upon the oath of allegiance to such purpose that the constitution of the Irish Free State has now lost its articles on the initiative and the referendum. Having been compelled to take their seats in the Chamber by an act making the oath of allegiance compulsory at the time of nomination, and another declaring seats vacant which had not been claimed within a specified time after election, Mr. de Valera's party set about making the initiative operative. The requisite petition was presented to the Chamber and referred to the Committee on Privilege, but meantime the government introduced legislation abolishing both the initiative and the referendum.

At the same time the Senate was subjected to overhaul: election will in future be by the membership of both houses, voting according to proportional representation by a postal ballot. Nomination to the senatorial panel will in future also

be by both houses, a number of candidates equal to the number of seats to be filled to be nominated by each House. The duration of membership is reduced to nine years instead of twelve, and the minimum age for candidates reduced from thirty-five to thirty years.

The first senatorial election under these new rules was held in December, 1928, and it was, as expected, simply a trial of strength for the parties in the *Dail*. Candidates were nominated by parties, the panel was a strictly proportionate reflex of party numbers, and the new senators were almost all pledged supporters of one or other of the three main parties. The Farmers' Party, having merged itself in the government majority, ceased to be a factor, but for the first time the *Fianna Fail* Republicans nominated candidates and elected four senators. One interesting side light on the election was furnished by the ability of the Republican party managers to manipulate proportional representation better than the managers of the other parties: so the Republicans secured four seats, while Labor secured only one by the election of its ex-leader in the *Dail*, Mr. Thomas Johnson. The Senate is now as closely subject to the party whips as the other house.

All these changes were definitely partisan in origin, as was also President Cosgrave's decision after the general election of September, 1927, to nominate all the members of his ministry to the Executive Council, which would have entire collective responsibility for policy and administration. This step was justified by the argument that as finance controlled all departments it was essential that all should be represented in the council which controlled finance. Some of these constitutional changes have been undertaken in a spirit of party domination, and for the purpose of party advantage, and have been passed through the Chamber with a minimum of discussion by the ruthless use of a party majority. Until December, 1930, the constitution may be amended by Parliament, that is for eight years after the proclamation of the constitution in 1922, and after that all amendments must be submitted to the people by referendum. It cannot be said that this power has been used with either wisdom or discretion by the Executive Council, and in the course

of the amending discussions passions have often been aroused which will not die down easily. But more dangerous, and disturbing, for the future is the lack of respect with which the constitution has been treated, as a mere party issue in a passionate house. The suggestion that the whole matter should be referred to a committee which would reëxamine the constitution in the light of experience, and submit reasoned amendments where they were found to be necessary, was scouted by the government. When behind all this is the disturbing suggestion that another amendment will be produced, making Parliament competent to amend the constitution in perpetuity, it will be seen that the security so dearly won by years of civil commotion and sacrifice is by no means assured of continuity. Many parliamentary precedents have been created by Mr. Cosgrave in the heat of party battle which will serve Mr. de Valera well in any future revolutionary adventure which he may decide to undertake. As things are, if Mr. de Valera assumed office he could plunge the country into chaos within twenty-four hours without being unconstitutional or doing anything unprecedented. This is the great danger which has arisen from the party control of the business of the Irish Free State; it could never have arisen had the spirit and the letter of the constitution been adhered to rigidly. However, it is now too late to retrace the steps that have been taken.

ANDREW E. MALONE

DUBLIN, IRELAND

FACTORS IN THE CHINESE SITUATION

DR. SUN YAT SEN, the venerated leader of the Chinese Revolution, predicted in his *Three People's Principles* that China would pass through three stages in its evolution toward assuming a place in the family of nations worthy of its importance, viz: the Period of Military Supremacy, the Period of Political Tutelage, and the Period of Constitutional Administration. After the success of the Northern Punitive Expedition last summer in taking Peking, the fourth meeting of the State Council was held on Friday, October 26, 1928, with President Chiang Kai-shek in the chair. A manifesto was issued stating among other things that the Period of Military Supremacy had been brought to a close. This offers a reasonable time to consider the factors that combined to produce the chaos that has existed since the overthrow of the Manchu dynasty in 1911 and the manner in which the future must be viewed if the evolution predicted by Dr. Sun Yat Sen is to be realized.

To the Western reader of the news from China during the past decade who was unfamiliar with Chinese history, the chaos that existed was sufficiently explained by the Revolution itself, the Civil War between North and South, the existence of the Tuchuns and their armies and the interference of foreign powers. As a matter of fact, all these are accompaniments of that chaos, not primary causes. The causes are of deeper significance and are of a more spiritual nature. In analyzing them the student will discover that China's evolution has been similar to that of Europe, but that China has been compelled in three decades to face situations and solve problems that have required as many centuries for Europe to solve.

The remarkable movement in western Europe known as the Renaissance was what its name indicates, a rebirth. It was a rebirth of an old, long-forgotten way of looking at life, the way of pagan Greece and Rome. To the Greek and Roman, life

on this earth was the one thing worth while. Death meant the passage to a dark, cold, cheerless existence. Hence the desire to get as much as possible out of this life. The body as well as the mind, the senses, emotions and intellect as well as the will, were to be cultivated. "*Homo sum; humani nihil a me alienum puto*". That saying of Terence summed up the attitude of the ancient pagan toward life. Man and his works, art, literature, philosophy, science were the things worthy of man's attention. The pagan era was succeeded by the Christian era with its doctrines of the fall of man and his evil nature. Christianity, as taught in the Middle Ages, predicted the emptiness of the earthly life and the joys of the other world, of heaven, the abode of those who had despised the body and had conquered its cravings. When the Renaissance, the rebirth, took place, men naturally turned with avidity to the literature dealing with man and his works, i. e., to the literature of Greece and Rome, which now became the content of the New Learning. The humanities were arrayed against the divinities. The pursuit of the New Learning often played havoc with men's thoughts and conduct. Opinions on nearly all subjects were unsettled, particularly on the subject which had hitherto dominated the entire life of man, religion. Moral restraints were loosened and license in conduct often held sway. But the New Learning was one of the greatest gains to humanity. It freed the human spirit from the trammels of a thousand years and started man on his evolution to his present state of culture.

The China of today has been invaded by a New Learning—Western culture. The essential element of Western culture is science. Science is based on a refusal to accept anything upon authority. It has no reverence for tradition. Investigation to get the facts and to be guided by them regardless of preconceived ideas is its chief characteristic. One can readily see what havoc the introduction of such learning would make in Chinese life. For nearly three thousand years the whole of Chinese civilization was founded upon authority, the authority of the ancestors. To such an extent was this true that ancestor-worship had become the very core of Chinese culture. The views of the ancestors as given in the classical literature be-

came the sole material of education. The perfect reproduction of those views without a single variation was the aim of learning. The scholar who could accomplish this best was sure of high reward, of influential position in the mandarinates. To the Chinese, the continued existence of his civilization during a period that had seen the rise and fall of so many other great civilizations was the evidence of the wisdom of maintaining and continuing the conservative attitude of mind that accepted the traditional views of life handed down from ancestors.

The attitude of the Chinese toward the rest of the world previous to the late nineteenth century is best shown in the mandate of the Chinese Emperor Chien Lung to George III as the result of the Macartney Mission of 1793.

You [George III], O King, live beyond the confines of many seas. Nevertheless, impelled by your humble desire to partake of the benefits of our civilization, you have despatched a mission respectfully bearing your memorial . . . I have perused your memorial: the earnest terms in which it is couched reveal a respectful humility on your part, which is highly praiseworthy. . . In consideration of the fact that your Ambassador and his deputy have come a long way with your memorial and tribute, I have shown them this high favour and have allowed them to be introduced into my presence. To manifest my indulgence, I have entertained them at a banquet and made them numerous gifts. . . . As to your entreaty to send one of your nationals to be accredited to my Celestial Court and to be in control of your country's trade with China, this request is contrary to all usage of my dynasty and cannot possibly be entertained . . . If you assert that your reverence for our Celestial dynasty fills you with a desire to acquire our civilization, our ceremonies and code of laws differ so completely from your own that, even if your Envoy were able to acquire the rudiments of our civilization, you could not possibly transplant our manners and customs to your alien soil. Therefore, however adept the Envoy might become, nothing would be gained thereby.

Swaying the wide world, I have but one aim in view, namely to maintain a perfect governance and to fulfil the duties of the State: strange and costly objects do not interest me. If I have commanded that the tribute offerings sent by you, O King, are to

be accepted, this was solely in consideration for the spirit which prompted you to despatch them from afar. Our dynasty's majestic virtue has penetrated into every country under Heaven, and Kings of all nations have offered their costly tribute by land and sea. As your Ambassador can see for himself, we possess all things. I set no value on objects strange or ingenious, and have no use for your country's manufactures.

It can be readily understood, therefore, why, during almost the entire nineteenth century, with the exception of the uninfluential farmers and small shopkeepers who accepted Christianity, the Chinese regarded Western education with indifference when not with disdain. But in 1895 great China, which had always regarded the Japanese as an inferior people, was defeated in war by Japan. After the event, the reason for the victory was obvious to the Chinese. Subsequent to the Revolution of 1868 which resulted in the overthrow of the Shogunate in Japan and the restoration to power of the Emperor, the Japanese deliberately studied Western civilization to discover in which of its elements lay its strength. They discovered that it was science. Administrative science made the Western nations strong politically; physical science made them strong industrially; military science made them strong internationally. Japan therefore imported teachers from Europe and America to introduce Western education, particularly science. Her victory in the war with China was her reward. Wrested from their attitude of superiority and contempt by the shock of disillusionment, many Chinese demanded that their educational system be reformed and that the elements of Western culture, and particularly science, be introduced. The movement was started even before the fall of the Manchus, and, after the establishment of the republic, practically the whole of the old learning was discarded and the Chinese feverishly undertook the rapid assimilation not only of science but of most of the elements of Western culture.

But to do so was to shake the very foundations of Chinese civilization. The spiritual life of the Chinese people, their traditions, their beliefs, their ideals, were embodied in the

classics. The classics taught that the whole social system is founded on the family, in which the entire control is in the hands of the father. Western civilization exalts the individual. In China the individual counts for little. Even outside the family the individual has rights only as a member of a guild or some other kind of fraternity. To exalt the individual was to aim a blow at the whole social system. To reject ancestor-worship was to loosen the moral bonds which were founded upon it without replacing them by the control of the individual conscience as in the West, for that control was the product of centuries of development in the West. Since the Great War there have been three schools of thought in China with regard to the extension of Western culture. A very small group of the older scholars would return to the native education of the days previous to the Japanese war. At the other extreme is a much larger group that believes that the salvation of China depends upon the ruthless uprooting of all the elements of the old culture and the substitution of that of the West. In more recent years a group of fine spirits led by Dr. Hu Shih have organized what is called the Renaissance Movement. Their movement has for its aim the retention of the best elements of the old culture and the assimilation of the best elements of Western culture in the newly developing civilization. The movement is making headway among thoughtful people.

The Industrial Revolution, which began in England a short time before the American Revolution, measured by results, was one of the greatest movements in human history. The material aspects of civilization have changed more since its inception than in all the centuries that preceded it. Despite attendant evils, the movement benefited mankind. It released man from performing tasks where brute strength was needed, turning them over to the machine and giving him greater opportunity for mental and spiritual development. Nevertheless the movement was attended by evils. It resulted in the congestion of population into cities where practically no preparation had been made from the standpoint of housing and sanitation. The hours of labor in the new factories were long, wages were low, conditions of work bad as to lighting, adequate room and safety

appliances. Until the rise of the labor unions, the working people were without protection against exploitation, for law necessarily lags behind changes in social conditions. The investigation of the Shaftesbury Commission which resulted in the passage of the Factory Acts of 1833 discovered horrible conditions in mines and factories. Those acts were the first of a great many that aimed to raise the working population from the debased condition to which it had been reduced.

The twentieth century has seen the factory system transferred to the great cities of China, and China was even less prepared for it than was eighteenth-century England. Chinese industry had always been carried on by families organized into guilds. In any great city of China even today one can walk down one street given over to brass workers, another to silversmiths, another to workers in wood or leather. And in another part of the same city will probably be found the symbol of the Industrial Revolution, the great factory engaged in mass production of machine-made goods. The beautiful products of the handicrafts of China are in danger of being supplanted by machine-made articles. However, it is not the aesthetic effect of the introduction of Western industrialism that is the most pronounced. It has had practically all the evil results that accompanied the breakdown in England of the domestic system of industry and the introduction of the factory system. The exploitation of women and children as sources of labor supply is equal to anything that happened in England. The factory employs individuals, not families, individuals who frequently leave distant homes to work in it. There is no Sabbath in China and practically no holidays except the long holiday period at New Year. Many workers are, therefore, released from the rigid restraints of the family and fall into evil ways. The factory system of the West, like the scientific education of the West, has dealt a blow to the family foundation of Chinese civilization. Moreover, Chinese law and administration provide as yet no protection for the workers against exploitation.

The factory system in China has had accompanying it one evil from which it has been free in the West. In the West it has arrayed employers and workers against each other in an

economic struggle as to the share each is to have in the profits of industry. In China there has been added to the economic struggle a race issue. In many cases, the employers are foreigners and the workers natives. In the agitation of the past few years directed against foreign interference in the affairs of China, the leaders have nearly always been students, the mass of the followers have been laborers. It ought to be mentioned in passing, however, that the evils mentioned above have been far more pronounced in factories owned by Chinese than in factories owned by foreigners. Nor is there much likelihood of a diminution in the future of the disintegrating influence of the factory system upon the social life of China. The demand for tariff autonomy made by the Chinese leaders is not merely to enable China to secure more revenue. They frankly avow that China must become a self-sufficing nation through the development of her own industries. To compete with other nations in the industrial field, China must wholeheartedly adopt the factory system.

The twin products of the French Revolution, Nationalism and Democracy, were sent flaming across Europe by the revolutionary armies, rousing men as never before to heroic actions in the name of the new patriotism. Up to the Revolution, loyalty in continental Europe was to the ruler. The Revolution transferred it to the nation. Everywhere on the Continent great communities of people bound together by common traditions, ideals and aspirations expressed in a common language demanded the right to form national states. An entire century was necessary for the final realization of the principle of nationalism. First, great groups like the Germans and Italians were successful. A little later, the Balkan peoples, Greeks, Rumanians, Bulgars attained nationhood. Then with the disappearance of the Hapsburg monarchy and the overthrow of the Romanov dynasty, Poles, Finns, Czechs and other peoples that had been submerged reappeared as national states. Today, the principle of nationalism is the one most dominant in the political consciousness of all European peoples. In most cases it has been accompanied by the principle of democracy, though by no means with the same degree of devotion.

Up to the twentieth century, patriotism in the modern sense, i. e., loyalty to the nation, was practically unknown to the Asiatic peoples. In Turkey, loyalty was to the religion, in India to the caste, in China to the local community. The individual Chinese was little interested even in what took place in the neighboring province. The great mass of the Chinese never conceived of China as an entity. The average foreigner resident in China during the nineteenth century despised the Chinese for what he considered their lack of patriotism. The rise of nationalism in China is a twentieth-century product. It began about the same time that John Hay proclaimed the doctrine of the Open Door as a protest against the partition of China among the European Great Powers. The more intelligent of the Chinese saw that the partition meant that all the resources of China were to be exploited by the foreigner for his own benefit, not for the benefit of the natives. The Boxer Rebellion of 1900 was the blind, instinctive outburst of hatred against the foreigner, the first evidence of a collective movement among Chinese generally. The revolutionary movement of Dr. Sun Yat Sen for the overthrow of the Manchu régime which resulted in the Revolution of 1911 showed that the spirit of patriotism had made great progress during the intervening decade. But the outrageous conduct of the Japanese in China during the World War, China's entrance into the War as a sovereign state on the Allied side, largely as the result of American prompting, the bad treatment China received at the Paris Peace Conference in spite of the promises made to her—these were the things that decided the politically-minded Chinese to undertake a deliberate, intensive campaign for the development of a spirit of nationalism among the Chinese people. The Kuomintang or Nationalist Party was formed having for its avowed objects the unification of China and its liberation from all foreign interference. The Mass Education Movement was an important step in this campaign. From the many thousands of ideographs, Chinese scholars selected the thousand characters most frequently used in the vocabulary of ordinary people as a basis upon which to work in order to reach the masses of the people. The Mass Education Move-

ment has avoided politics and the thousand-character booklets are simple reading primers. But that fact has not prevented many pamphlets written in these characters from being extremely nationalistic, explaining the evil nature of the unequal treaties, tariff subjection and extraterritoriality. Students swarmed over the entire country gathering the peasants together in abandoned temples and elsewhere to be taught the new characters and the new nationalism. Finally the Shanghai riot of May 30, 1925, in which students and laborers were killed by the foreign police of the city, was the most unifying single incident of the entire nationalistic movement. It was the Lexington in the war of independence against foreign interference, a war which was finally won but yesterday, a war in which nationalism emerged triumphant. It must never be forgotten, however, that nationalism in the East differs from nationalism in the West in one great respect: nationalism in the West is aggressive; in the East, it is defensive. In the West it aims at territorial expansion, or economic exploitation, or cultural superiority. In the East, it aims to retain control of the economic resources of a country for the benefit of that country and to prevent the country from being placed in a position of international inferiority.

The Renaissance in Europe, introducing the New Learning, dates from the early fifteenth century; the Industrial Revolution, bringing in the factory system, from about the year 1760; the French Revolution with its twins, nationalism and democracy, from 1789. The latest has been operating five generations. In a single generation, Western culture, the factory system and nationalism have been almost simultaneously thrust upon the people of China, a people wholly unprepared for any one of them. Disintegration resulted in almost every aspect of life. The abandoned temples scattered throughout the country are mute witnesses of the decay of religion and of ancestor-worship, the very foundation of the whole social system. The ruined examination cells tell of the passing of the old learning upon which the moral life of the people was founded. The disappearance of the guilds, the rise of labor unions, strikes, riots and boycotts explain the radical changes that have taken

place in the industrial life of the people. Civil war, brigandage, the freedom of the provinces from any central control and the existence of the large independent standing armies under military leaders have given evidence of the political disintegration that has taken place since the Son of Heaven was driven from his throne in 1911. Moreover, during that generation the Chinese people have not had the opportunity to work out of their confusion in the ways they adopted during the former crises in their long history. Then they were isolated and could use the measures with which they were familiar to restore order and stability. During the past generation they have always been subject to the interference and intrigues of foreign powers which did not consider it to their interest to have China emerge from her weakness as a unified and stable nation.

When the Great War broke out in 1914, the strangle hold which Great Britain, France, Germany, Russia and Japan had upon China, resulting from the existence of spheres of interest and spheres of influence, foreign settlements and concessions, extraterritorial privileges, and foreign control of the Chinese tariff, seemed to reduce China to a position of permanent inferiority. The war at first threatened increased evil to China but was really the turning-point toward a brighter day. As a result of entering the war on the Allied side China secured a place at the Peace Conference, and though she obtained no redress of grievances, she won almost universal sympathy by her exposition of the evils of foreign interference and especially of the evil nature of the Twenty-One Demands made by Japan during the war. Three years later, at the Washington Disarmament Conference of 1922, China obtained a real victory. The Nine Power Treaty was signed whereby she was guaranteed her sovereignty, independence and territorial integrity. Moreover, partly owing to the collapse of the Russia against which the Anglo-Japanese Alliance of 1902 had been formed, but also largely owing to the urgency of Canada and Australia, which sympathized with the United States in its attitude towards Japanese immigration, Great Britain agreed to allow the Anglo-Japanese Alliance of 1902 to be supplanted by the Four Power Treaty between Great Britain, the United

States, France and Japan, whereby each was guaranteed in the possession of its territories in the Pacific. Moreover, Japan, finding herself isolated at the conference and an object of general suspicion, agreed to return to China the province of Shantung, which Japan had taken from Germany at the outbreak of the War. Finally, all the Powers assembled at the Conference agreed that further conferences should be held to consider questions that remained at issue between them and China. Spheres of interest and spheres of influence had been discarded but extraterritoriality, tariff autonomy and concessions remained to be considered.

Four years passed before the projected conferences were held. The prolonged delay was due to the dilatory tactics of one of the European signatories, France, in a controversy with China not greatly to French credit. Finally, in 1925 the Special Tariff Conference met, and in 1926 a Commission on Extraterritoriality convened. At both conferences agreement was reached upon important points at issue but the conferences adjourned without coming to a final decision. This was due to several causes. The foreign delegates had been accredited to the Peking government which was in a process of disintegration, unable to maintain order and to represent China as a whole. The Nationalists at Nanking gave public notice that they would honor no agreement made with the Peking government. By the time the conference had assembled, nationalism was rampant in China. Two events had taken place which greatly stiffened the attitude of the Chinese Nationalists towards the Powers. One was the cavalier manner with which the Turkish Nationalists had treated the Powers and practically compelled them to sign the Treaty of Lausanne. The other and more important event was the offer of Bolshevik Russia actively to support China against the other Powers.

From the standpoint of China's unity and independence, the Bolshevik Revolution in Russia was a real benefit. Had Russia remained Tsarist, what was accomplished at the Washington Disarmament Conference would probably not have been possible. During the war, Tsarist Russia and Japan were allies and had agreed upon common action in China looking to its

permanent subordination. When Bolshevik Russia was thrust out of the family of nations and treated as a pariah, she placed at the disposal of the Chinese all her remarkable resources of propaganda. This she did partly out of a spirit of revenge though primarily out of a desire to realize the world revolution. The vague anti-foreign movement of the Chinese was now directed toward specific objectives, chiefly against British interests and prestige, for the Bolsheviks looked upon Great Britain as their worst enemy. By means of the boycotts, British trade was made to suffer terribly. Russian military leaders helped reorganize the Nationalist armies and Russian civil officials, under the direction of Michael Borodin, guided the actions of the Nationalist government in such a way as to produce a maximum of friction with the Powers. Hence when the conferences looking to a solution of the problems of tariff autonomy and extraterritoriality were held at Peking in 1925 and 1926, the representatives of the Powers found the Chinese in a truculent mood, and the conversations closed without result. Subsequently, the Chinese took advanced ground. By the Treaty of Versailles, the defeated Powers were deprived of all their special privileges in China. After the War, Russia voluntarily gave them up. When the treaty that existed between Belgium and China was about to expire in 1926, China announced that as "unequal" treaties with other countries expired they would not be renewed except upon a basis of equality and reciprocity, and she has carried out that policy in the case of the countries whose treaties have since terminated their period of existence. In the meantime, the event long hoped for by the Chinese and considered almost impossible by foreigners was consummated, viz. the capture of Peking by the Nationalists and the completion of national unity. Moreover, this was accomplished without the aid of the Russians, who had a few months before been summarily dismissed, partly because of the consequences of the Nanking outrage which brought China in conflict with the United States as well as with Japan, Great Britain and other European states. The realization of national unity was followed by the announcement on the part of the Nationalist government that tariff autonomy would be

resumed by China on February 1, 1929. Shortly afterward, the United States accepted the Chinese position in a tariff treaty, thereby according recognition to the Nationalist government. She was followed by Great Britain and other European states. Japan has most to lose by tariff autonomy on the part of China, which is her greatest market for manufactured goods. She had hoped to bargain by yielding on extraterritoriality which is of less importance to her than tariff autonomy. Hence she at first announced her refusal to accept the Chinese statement. But as all the Great Powers except herself gradually accepted, there was nothing for her to do but accept also. She had not forgotten her previous experience with the working of the boycott.

The Kuomintang is today naturally and justifiably filled with a feeling of patriotic exaltation. Two years ago North and South were at war with each other, almost every province was controlled by a military leader at the head of an army entirely independent of any central control, the Kuomintang itself was rent by internecine struggles between Communists and anti-Communists, the Nationalist government could rely upon few steady sources of revenue, but rather upon such as it could requisition, and during that period it was at odds with foreign governments and even in military conflict with the Japanese in Shantung. Certainly to have unified the country under such conditions, unstable as is the unification, is a remarkable accomplishment. The nationalistic objective of the Revolution of 1911 has been realized.

But the Revolution of 1911 was a democratic as well as a nationalistic movement. With the passage of time, however, the democratic aspect has more and more faded into the background. The Chinese local community, and up to the twentieth century that has meant the real China, has always had democratic elements, i. e., the local community determined its internal affairs without reference to the national government. The imperial régime was a very decentralized form of government whose chief function was the gathering of taxes, chiefly in kind, to support the court at Peking. In the administration of the central government the path was open to the highest

preferment according to merit as tested by competitive examination. But democracy in the Western meaning of the term with its concomitants, constitutional and parliamentary government, is something with which the Chinese have had no experience. The introduction of democratic political government in 1912 resulted in confusion and increased corruption. During the period of chaos that has since existed it has disappeared. Were the Chinese true to their ancient traditions, the Manchu dynasty would be succeeded by another. But unless all signs fail, the hope of an imperial régime died with the failure of Yuan Shi-kai to found a new dynasty in 1915. The new constitution of the unified China, the Five Power Constitution, has recently been promulgated.

The constitution and the government organized under it are the creation of the Kuomintang or Nationalist Party. The Executive Council of the party elected Chiang Kai-shek as President of China, and organized the five councils and the cabinet of ten ministers. It is evident that the Kuomintang, like the Fascisti in Italy and the Bolsheviki in Russia, intends that China's new government, for some time at least, is to be a one-party régime. It is modeled on the oligarchic system of Russia rather than on the personal dictatorship of Italy. "Future activities will center around the Five Yuan as the pivot of the Political Tutelage campaign" proclaims the manifesto of the Nationalist government of October 29, 1928. And the Five Yuan are manned by the leaders of the Kuomintang. The Kuomintang bears the same relation to the Nationalist government of China that the Communist Third International bears to the Soviet government of Russia, or the Fascist Party bears to the government of Italy.

The problems that confront the new government are almost terrifying in their number and complexity and they will surely test the capacity of the Chinese leaders. The new government really exists upon the sufferance of the military leaders. At the date of writing, June 1, 1929, announcement has been made by the Nationalist government at Nanking that the military chieftains have agreed to cut the number of troops in half, i. e., from almost two to less than one million soldiers. Still more

difficult will be the problem of the support of the hundreds of thousands of men thus disbanded whose sole vocation for a decade has been that of the soldier or the bandit. The motive power of the Nationalist movement has been the enthusiasm and faith of the students and the youth of the country generally. How hard it will be to transform that high emotional fervor into a willingness to engage in the drab, humdrum work of economic and industrial reconstruction, the experience of the Irish after the Free State was established well illustrates. Economic reconstruction in a country like China depends primarily upon means of transportation of produce and food to and from markets. But the few railroads that existed have almost been ruined during the wars since 1911 and roads of a kind needed for modern industry are almost unknown. The control of floods and of their resultants, famine and disease, has hardly been attempted, yet their victims are numbered by the millions. If China is to survive in the world of today in competition with other nations, it must develop its machine industry but must do it in a way that will not bring disaster upon the millions of handicraftsmen who would be thereby displaced. Roads and railroads, public health and sanitation, port facilities and reforestation, schools, hospitals, libraries and the many other attributes of a modern state, practically all of which are in their infancy in China, require money to develop and maintain. To secure the necessary money not only must scientific methods of revenue production be introduced and a balanced budget established but large loans must be secured from foreign sources. But foreign loans will not be forthcoming unless in addition to a stabilized political régime and a sound system of taxation, money and banking, the legal system of China is in reality brought into conformity with modern ideals of justice and judicial procedure.

Has China a sufficient fund of leadership to confront optimistically these and the many other problems that exist? The Manchu régime was corrupt and honeycombed with grafters. The successive régimes since its downfall have been little better. In Chinese political life today there are a few outstanding men of probity and integrity, but pathetically few. The

majority are concerned chiefly with a scramble for place and profit. In the West the great force for maintaining restraint upon official dereliction is the force of public opinion. To develop public opinion requires not only time but a literate people interested in public affairs. None of these conditions has hitherto existed in China. For the present, China must rely upon educating men of character for leadership—and that takes time also. But the events of the past two decades justify the hope and belief that she will succeed. The manner in which the Nanking government is confronting its difficulties gives evidence of vision and courage among its leaders. It has drawn up and is in process of enforcing a program for the industrial development of the country which shows a grasp of the realities of the situation. It has invited a commission of experts from the United States to stabilize its currency, balance its budget and place it upon a sound financial basis. It is attempting loyally to realize the program of the Swiss commission for the modernization of the legal system. Few revolutions in history have brought to the top as leaders finer men than the group of patriots who control the destinies of China today. It is a source of pride on the part of Americans that six of the ten portfolios should be held by men who received their higher education in American institutions.

Beginning with about the year 1500, the white man expanded from his own little habitat in western Europe, conquered the whole of North and South America, Africa, Australia, and a large part of Asia and assumed the overlordship of nearly all the remainder of the earth. Up to the twentieth century little Japan was the only other nation that did not live upon the sufferance of the white man. Moreover, during this period of expansion, the white man developed a civilization which he considered superior to that of men of any other color. While the average white man welcomed people of color from other lands into his country, admitted them to his institutions of learning and even to his home, he resented any suggestion that they were his equals.

Moreover, up to the twentieth century the supremacy of the white man was unquestioned. Then began to develop a spirit

of revolt against his supremacy and today it is accepted without question almost nowhere. The success of Japan in her war with Russia gave a tremendous impetus to the movement, the first instance in modern times of a nation of colored people defeating in war a nation of whites. But the greatest factor in the decline of the white man's prestige was the World War. There had been no war between any of the great white nations for a generation and while they might compete with one another economically in the lands of the colored peoples, they presented a united front against these peoples. As mentioned before, they considered themselves superior to the colored man and they expected that superiority to be admitted and, on the whole, it was admitted. The World War changed all that. The white nations were not only engaged in slaughtering one another; they called in the despised colored races, black, brown and yellow, to help them in the process. The moral supremacy of the white man received another blow when the hopes which had been based upon the much-heralded principle of self-determination were not fulfilled. Finally the poverty to which many white peoples were reduced by the Great War, putting them upon an economic plane with the mass of colored peoples, added to the rising disbelief in the assumed superiority of the white man. In China a beggar is an outcast. One may throw him a copper to get rid of his importunings, but he receives no consideration. Imagine, therefore, the blow to white prestige when Russian refugees by the hundreds were found in the streets of Chinese cities with outstretched hands begging of the yellow man for bare subsistence. Today the colored man in Asia, at least, considers himself the inferior of the white man in force alone, his equal in most other respects and his superior in some. The Renaissance of China can hardly fail to strengthen that belief, for that renaissance was made in the face of a contemptuous disbelief on the part of the white man. Its effect promises to be felt in India, Java and the Philippines.

The attitude of the Western Powers toward China has changed materially during the past few years in the direction of greater respect. The unfortunate aspect of the situation is the belief on the part of the Chinese that the change was not

a voluntary but a forced one. It must now be obvious to any intelligent student of the relations between China and the Western Powers that these relations must be based upon the principles of equality and reciprocity. China is the only remaining country of the Orient where foreigners still enjoy the privileges that inhere in the principle of extraterritoriality. It is also the only country where foreign settlements or concessions are removed from the jurisdiction of the national sovereignty. The practical and psychological evils that inhere in that situation are too well known to the student of international relations to require comment. It is a situation that cannot persist in the twentieth century. But the problems concerned, even the difficult one of Shanghai, can be solved as the result of reasonable compromise, granted good will. Unquestionably, if there was ever a time in history when fair-minded men should extend their sympathy and assistance to a great people struggling to make their way out of the chaos resulting from the disintegration of old standards in every aspect of life, it is today in the case of the Chinese people. And this will not be an easy matter, for the Chinese will make irritating mistakes which it will require patience and restraint to overlook. But in this difficult situation action cannot be determined by the exigencies of the moment. On the contrary, men must be guided by the lessons of history and by policies which may be brought to fruition only in the distant future.

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THE GERMAN LABOR COURTS¹

THE vast social changes of the last one hundred and fifty years have been only imperfectly and tardily reflected in a change of the substantive law. The concept of wage-earner, and the great number of new problems arising out of the wage relationship, can be handled only with difficulty by the old framework of legal theory and practice. In the so-called Anglo-Saxon countries, it is hazily recognized that we have here to do with something new, something in which our courts are inexpert and not properly equipped to act. Consequently the courts have "passed the buck". They have not attempted to evolve a new set of concepts; they have left that job to industry. Similarly the legislators, at least in the United States, have made it a policy to pass as few laws as possible in the field of labor relations. The result has been that a formidable body of customs and rules has grown up quite outside the purview of the law and in many cases directly contrary to the trend of judicial decisions. These customs and rules are not uniform, but there is some tendency for them to become so.

On the continent of Europe, and especially in Germany, there has been a definite effort in recent years to incorporate labor law into the substantive law of the various countries, as a semi-independent autonomous unit. The modification of the legal structure which is resulting is comparable in its importance to the modification of the Anglo-Saxon law that was brought about by the growth of equity. By a series of vitally important laws, mostly passed since the so-called revolution of 1918, the German government has put wage labor on a new legal basis. The interpretation and enforcement of these laws is being allocated not to the old courts but to a new set of courts, differently constituted and with different procedure from the old. The new courts are known as labor courts. They are a

¹ The material on which this article is based was collected as part of a study on standards of living in the steel industry, undertaken on an Amherst Memorial Fellowship.

continuation and extension of the German industrial courts, whose evolution over more than a century may be briefly traced.¹

The first industrial courts in the present territory of Germany were established in the Rhine province by Napoleon, on the model of the *conseils de prud'hommes* which he was then introducing into other cities of France. The German labor courts have thus a common origin with the modern French *conseils de prud'hommes*, but differ from them in several important respects. Indeed, the labor courts as established in the law of 1926 are the product of a sufficiently long independent evolution so that they deserve to rank as a distinctively German institution. They are nation-wide and compulsory, whereas the French councils cover only a fraction of the territory of France; they are presided over by a (supposedly) impartial chairman, whereas the French courts call in an outsider only as a last resort; conciliation in the new German courts is public, in the French councils it is private; appeal from decisions of the new German courts is to a special system of appeal courts, not to the regular courts as in France; and lawyers are admitted in France but not in Germany to plead before the lowest court.

The first German industrial courts were established in the Rhineland. Aside from the special factory court of Berlin, established in 1815, and the guild courts, no successful industrial courts were established before 1869 except in the Rhine Province and the adjoining district of Westphalia. But the idea of industrial courts was widely favored, and the Industrial Code of 1869 provided for the setting up of joint paritary industrial courts to decide disputes arising from the labor contract. The Prussian minister of commerce made some effort to stimulate the formation of such courts; however, in twenty years only seventy-four were set up, with rules that differed from one locality to another.

The Social Democrats carried on an active agitation for in-

¹ A full and careful account of the pre-war industrial courts is given in the *Bulletin of the U. S. Bureau of Labor*, vol. XXIV (1912), pp. 273-464: "Industrial Courts in France, Germany and Switzerland", by Helen L. Sumner.

dustrial courts during the eighties. In 1889 came the great Westphalian miners' strike, and in 1890 was passed the first comprehensive law setting up industrial courts. The guild courts were left undisturbed, but all other industrial courts were obliged to accept the essential provisions of the new law. These were, that half of the assessors should be elected by employers and half by workmen, by direct and secret ballot, and that lawyers should not be allowed to appear in proceedings. In 1901 the establishment of industrial courts was made compulsory in all cities having 20,000 or more inhabitants; and in 1904, separate courts known as mercantile courts (*Kaufmanns-gerichte*) were set up for the settlement of disputes between merchants and their employees.

The industrial courts have not been abolished; the labor courts are a modified and extended version of the industrial courts, designed to give their benefits to the whole working population. Up to the time the new German constitution was promulgated it would have been hard to disagree with Jastrow's dictum that there was no state institution to which the workmen clung with more love or with warmer admiration than that of the industrial courts. So widespread had the institution become at the end that the Labor Court Law of 1926 actually brought about a reduction in the number of courts (from 582 to 527).

The chief categories of workers who had been exempt from the operation of the old Industrial Court Law were railroad employees, miners, agricultural workers and domestic servants. A large proportion of the time of the new labor courts is being taken up with complaints from workers in these categories. The miners, it is true, had their own state courts from 1891 on, but these were notoriously unsuccessful.

A final point to be noted in connection with the industrial courts is that a large proportion of their time was taken up with serving the needs of small industry.¹ The same is likely to be true of the new labor courts. Personal factors are less prominent in a highly standardized machine shop (for example) than

¹ Sumner, *op. cit.*, pp. 291-92.

in a mine or in a home-working industry. But the decisions affecting large-scale industry, though they may be few in number, are of the greatest importance because they affect so many workers. The labor courts are as popular in large-scale as in small-scale industry.

The Labor Court Law of December 23, 1926, provides for the setting up of labor courts in three stages: local labor courts, district (appeal) labor courts and a federal labor court. The labor courts have jurisdiction over all civil disputes arising out of collective labor agreements or the negotiations for such agreements, including questions of freedom of association; in general, over civil disputes arising out of the labor contract, including apprenticeship, except, in certain cases, suits over the right of an employee to a patent, and excepting also disputes in the shipping industry, which are specially handled; over disputes between employees arising out of their common work; and over dismissals from work. In the operation of the Works Council Law, the labor courts may in many cases be called on for an opinion. Further, they have jurisdiction over civil cases which, while not definitely included in any of the above categories, are still closely related economically or legally to some case already before a labor court or shortly to come before one. Finally, cases may be submitted to the labor courts by special agreement between the parties. However, cases arising out of the labor contract may be removed from the jurisdiction of the labor courts when the parties to a collective contract agree to submit such disputes to arbitration.

The chairman of the labor court is a judge familiar with labor law. The new law permits the appointment of laymen to the position of chairman, but under such circumscribed conditions that in practice about all the new chairmen come from the legal profession. Some of the most successful of the chairmen of the industrial courts were laymen, including a number of former municipal officials, and these have been continued as judges of the labor courts; but the present limitation is probably wise. Under the previous system judgments given in appeal cases were not binding on the lower courts, and the result was that these often handed down varying or even con-

tradictory decisions. Also, some of the laymen who formerly presided over the industrial courts were really not capable of giving a good decision.

Administratively, the labor courts are a part of the judicial system of the country. Courts are set up by the district judicial administration (*Landesjustizverwaltung*) with the approval of the highest district administrative authority for social legislation (*Landesbehörde für die Sozialverwaltung*), and after consultation with the economic organizations of the employers and employees. The same authorities that set up the courts also appoint the chairmen, but without seeking the preliminary advice of the employers' organizations and the unions. The expenses of the courts of the first instance and of the district (appeal) courts are defrayed by the district (*Land*); those of the federal labor court, by the Reich. Thus at a stroke the institution is nationalized. The old industrial courts were municipal institutions, responsible only to the municipal authorities and enjoying a good deal of local independence.

The appointment of chairmen is for periods of from one to nine years, with possibility of reappointment. After a service of at least three years a full-time chairman of a labor court may be appointed for life. It is probable that the office will tend to be filled by life appointees.¹ The experience of the industrial courts indicated that once a labor judge always a labor judge. It was virtually unheard of for the chairman of an industrial court to be removed. They liked the job and the job liked them. Indeed, it would appear that the alleged lack of sympathy for wage-earners and their troubles which is so often charged up against the legal profession is largely a matter of unfamiliarity with wage-earners and their problems. The German labor judge develops a broad sympathy which makes him acceptable to wage-earners as a group. It is significant that after a generation of experience with industrial court judges, the organized workers, while interposing the same strenuous objection to the appearance of lawyers before the courts that had characterized the Social Democrats' successful

¹ For a contrary opinion see Landgerichtsrat W. Kulemann in *Soziale Praxis*, vol. XXXV (1926), no. 6, p. 126.

fight in the debate on the law of 1890, still made no objection to the appointment of judges as chairmen.¹

Another change from the old practice which amounts to an expression of confidence in the chairman is the reducing of expense by cutting down the number of bysitters or assessors (*Beisitzer*) from four to two, one employer and one representative of the unions. Since the decisions of the full labor court are always by majority vote, this reduction increases the responsibility of the chairman. The panel of assessors is chosen for three years by the higher administrative authority with the approval of the chairman of the district court. The assessors are not elected, as were the assessors on the industrial courts, but appointed from lists nominated by the employers' associations and unions in the territory covered by the court, proper care being taken to give representation to minorities. Assessors for the salaried workers are nominated separately from workers' assessors. All assessors must be German citizens at least twenty-five years old. They must have been active in the district of the court as employers or workers for at least a year before appointment. Officials and representatives of corporations and trade unions are eligible. Assessors receive no regular salary but get their expenses paid and are remunerated for time spent in court. Employers or officials who discriminate against workers on account of their having been appointed assessors of a labor court are liable to a fine.²

In order to put in perspective the above provisions, which recognize the unions as legal representatives of the working class, it is necessary to remind the reader that there are more trade unionists in Germany than there are in the United States (though this country has a little more than twice as many inhabitants), and that the "company union" (American style), though it still exists in Germany, cannot legally represent the workers. The unorganized workers and the unorganized employers have no voice in choosing the assessors. Whether this

¹ Albeit they insisted on judges with training in labor matters! See resolution of German General Federation of Trade Unions at Leipzig (*Gewerkschaftszeitung*, 1925, p. 556).

² Cf. *infra*, p. 417.

constitutes a denial of rights was the question raised during the debates on the law by the company unions or "yellows," (representing the extreme right) and the Communists (representing the extreme left of working-class opinion). The experience of the French *conseils de prud'hommes* has been that the unions controlled the elections even though the vote was not restricted to union members.

The labor courts cover ordinarily the same territory as the regular courts. In the industrial districts, this division works out satisfactorily. In non-industrial districts, there are not enough cases in the territory of a regular court to keep a labor court busy full time. Two possibilities therefore arise: (1) to give the labor court the same territory as the regular court, with a part-time chairman; (2) so to increase the territory of the labor court as to make it worth while to have a full-time labor judge. The first method has the advantage that pleaders before the labor court do not have to travel such long distances to reach it; the chairman, however, is not specialized in one branch of the law: usually in such cases he is also judge of the regular court (*Amtsgericht*). The second method has the advantage that the judge is enabled to specialize (and the labor judges I have talked with incline to the view that specialization is necessary); and furthermore, the election of assessors and the satisfactory administration of the court almost demand that its territory should include a center where workers and employers are well organized—but in rural districts they often are not. The question of the territory to be covered by the labor court is also bound up with the question of how far the labor courts should be independent of the regular courts.

No uniform solution of this problem was adopted. Prussia, Saxony, Thuringia and some smaller states set up only as many courts as it was thought would fully occupy the chairmen's time, and in this group of states there are only one-third to one-eighth as many labor courts as there are regular courts (*Amtsgerichte*). In South Germany, on the other hand, the aim has been to get the number of labor courts as nearly as possible up to that of the regular courts. The same difference appears in the setting up of the appeal courts.

The law contemplates the creation of special chambers in the labor courts for salaried employees and for artisans. However, these chambers need not cover the same territory as the labor courts and in practice they have been set up in considerably greater number in some parts of the country than in others; sometimes they have simply not been set up at all and their functions have been turned over to the labor courts—a procedure which the law also allows. Special courts for special trades are also permitted under the law, and a country-wide system of courts for railroad employees, wage and salaried alike, is in operation. But the group of states which has kept down the number of its labor courts (Prussia, Saxony, Thuringia, etc.) has also kept down the number of its specialized trade courts (*Fachkammer*) so that in these states such trade courts are scarcely found outside Berlin. The decision in this matter may have been affected by the notorious ill-success of the state mining courts, which functioned side by side with the old industrial courts but with a different organization; they were presided over by government inspectors. These mining courts have been abolished by common consent and their functions transferred to the labor courts.¹ The question of special trade courts is further discussed below.

If the procedure before the labor courts seems of exemplary simplicity and despatch, the foreign visitor must remind himself that the regular courts on the Continent are also simple, and not cluttered up with Anglo-Saxon rules of evidence. The various steps in a German labor court case are briefly as follows:

The plaintiff (as in other industrial courts this is usually the employee, complaining against the employer) presents his complaint orally or in writing to the office of the labor court, and the defendant is summoned to appear before the court. Or plaintiff and defendant may appear before the court at its regular session in order to get a dispute settled. The chairman, acting alone, must first attempt conciliation. The procedure is of the simplest; the parties are not sworn, and the directest sort of question and answer is employed. If a settle-

¹ Dr. Willy Franke, "Die Arbeitsgerichtsorganisation im Deutschen Reiche", in *Reichsarbeitsblatt* no. 21, 1927 (July 20), II, pp. 259-62.

ment is arrived at, it is reduced to writing forthwith and that ends the case. If there is no settlement, the case goes before the full court, consisting of the chairman, an assessor representing the unions, and an assessor representing the employers. But the chairman may decide alone if both parties request it or if one party admits himself in error. If one party fails to appear, the chairman may pronounce a judgment against which objection may be interposed within three days.

Cases before the full court may be conducted by the parties themselves or by a representative. The trade unionist is usually represented by his union; where the local union is large it customarily designates one man who gives his whole time to appearing in the labor court. Where the union is small, its members may be represented by the Central Labor Union. The employer, similarly, often delegates an official to appear for him. The only case when a lawyer is permitted to appear before the court is when this lawyer is employed full-time in the service of a party to the case (such a lawyer is called a *syndicus*).

In the hearings before the full court, witnesses may be summoned and material evidence introduced; the law obligates the chairman so to conduct the hearings as to bring the case to a close in one session if possible. Whether this is done or not depends on the chairman's ability as a conciliator. The experience of the two alternating chairmen in a large Ruhr industrial center illustrates what different results may be achieved by equally conscientious chairmen. One is a young man, very earnest, with a passion for getting in all the evidence and especially for understanding each point himself. This zeal has led him to go down into mines, visit factories, and familiarize himself as far as possible with the details of the trades in which he is called on to act as judge. But he will never understand more than a fraction of the fine points involved in certain cases. When witnesses appear before him he questions them at length, and very frequently continues the case to another session in order to collect more evidence. Everybody likes him, but everybody agrees that proceedings before his court are not especially swift. His colleague is older and easier-going, with a

knowledge of human nature and a certain ability to tell when people are lying. He relies on the judgment of experts, does not insist on understanding every point himself, and when he has to make the final decision does so promptly and cheerfully. His method is generally preferred since it settles the case more quickly.

The full court retires to deliberate, and decides by majority vote. The decisions are then announced publicly. The popular mind of course pictures the proceedings behind the scenes as a contest between the employer assessor and the trade-union assessor for the favor of the chairman, who is popularly supposed always to cast the deciding vote. In practice this picture would represent the situation very imperfectly. Decisions are often unanimous. One appeal court (*Landesarbeitsgericht*) is known to have had no disagreement among the judges during the first several months of its existence, all decisions being arrived at by unanimous vote.

Appeal is permitted to the higher court (*Landesarbeitsgericht*) if the sum involved is determined by the labor court to be greater than 300 marks (\$71.40), or if the labor court permits appeal on account of the fundamental significance of the case. Appeal on points of law is also permitted, but is not common. The *Landesarbeitsgericht* and the Supreme Labor Court or *Reichsarbeitsgericht* are innovations created for the first time by the law of 1926; appeal from the old industrial courts could be taken only to the regular courts.

The appeal court chairman is appointed by the district judicial administrative authorities with the approval of the social administrative authorities. The full court is composed of the chairman and two assessors, chosen in a manner similar to that used for labor courts of first instance. However, in disputes involving collective agreements there must be two assessors from each side or four in all. The appeal court chairman is always a judge of the superior court (*Landgericht*) and he remains chairman of the labor appeal court as long as he is judge of the superior court (i. e., usually for life). The chairman must have "knowledge and experience of the field of labor and social legislation" as a prerequisite for his appointment.

The assessors must be at least thirty years old and must have been assessors of a labor court at least three years (that is, when the system gets going).

The parties to the case are not allowed to plead in person before the appeal court, but must be represented. The representative is ordinarily a lawyer, but he may also be an official of an "economic association of employers or employees" (i. e. of a trade union or an employers' association). The procedure before the appeal court is in general the same as before the labor court of first instance, except that the attempt at conciliation is omitted. The parties may be required to appear in person; witnesses may be called, and the whole case reargued, though there are limits to the introduction of new evidence.

The *Reichsarbeitsgericht*—the highest court of appeal in labor court cases—is located in the Palace of Justice at Leipzig. It is presided over by a justice of the regular Supreme Court as chairman, and consists in addition of four assessors, two judicial and two lay. The judicial assessors are *Reichsgerichtsräte* or Federal Councilors. The lay assessors are chosen by the minister of labor from lists nominated by the national organizations of employers and workers. All the judicial members of the court must have special knowledge and experience of labor and social matters. The assessors must all be at least thirty-five years old. Appeal may be taken to the Supreme Labor Court when the sum in question equals or exceeds the minimum required for a civil case to reach the regular Supreme Court, or when the chairman of the labor appeal court permits appeal on account of the fundamental significance of the case. Only lawyers may appear before the Supreme Labor Court. The procedure is similar to that before the regular Supreme Court; the briefs of the opposing sides are read, but there is no further debate.

A labor lawyer who has carried a number of cases up to the highest court informs me that labor never gets anything from the Supreme Labor Court that it does not get from the labor appeal courts. When I visited the Supreme Labor Court itself I was well able to understand how this would be the case. The court is (as it were) fortified against contact with common

wage-earners. Past guards and up long marble steps, down echoing corridors must one go, and red-robed justices swish by, whispering as if to say, "Nothing has changed here." No street demonstration of outraged proletarians could make noise enough to penetrate to the upper back room where the hearings of the court are held. In the folds of the velvet curtains which reach up to a vast ceiling one can almost see the Hohenzollern henchmen peeping out, as if to grumble, "Nothing has changed here." The contrast of the Supreme Labor Court with the labor appeal court is far greater than that of the labor appeal court with the court of first instance. I visited one of each of these latter. It is perhaps worth noting that neither was pretentiously housed; the parties and witnesses appeared quite at their ease, and the chairmen seemed servants of the people, helping them to work out their own conceptions of justice. The Supreme Labor Court is like an oracle, or rather the entrance to an oracle, the Holy of Holies being hidden from view. The lay assessors, whose very presence exercises in the two lower courts a profound if indefinable influence, seem here like neophytes, quite overshadowed by the prophets of the faith.

The labor courts are competent to decide disputes over the enforcement of collective agreements; but the drawing up of collective agreements is a sphere over which they have no control. The industrial courts had from 1901 to 1916 important functions to perform in this field; the chairmen could act as arbitrators in collective disputes, and frequently did so, though their powers to secure observance of decisions rested on the force of publicity. Industrial arbitration has not disappeared in the last twelve years; rather it has been enormously extended, so that a special state organism has been created to deal with that alone. In this respect, the sphere of the labor court is more restricted than was that of the industrial court. The labor court may, however, be called on to decide whether a decision of an arbitrator was legally arrived at, and in certain cases, as for example the lockout of the Ruhr steel-workers in the fall of 1928, the court decision on such a point may have an important bearing on the outcome of the conflict.

Disputes over the enforcement and interpretation of collec-

tive agreements fall within the competence of the labor courts, but may be transferred by agreement of the contracting parties to the competence of special arbitration committees. These are semi-official bodies whose decisions are as binding on the parties as a decision of the labor court having the force of law. They are composed of equal numbers of employers and employees, with a non-partisan member if desired. They may be standing bodies, or they may be called into existence for a particular dispute. Agreements arrived at before the arbitration board as well as the decisions which it renders must be submitted in writing to the labor court. The chairman of the court may then declare the terms of the decision generally applicable to all workers, organized and unorganized, under his jurisdiction. The existence of an arbitration committee does not prevent a dispute from being brought before the labor court if one of the parties to the collective agreement is attempting to impede the work of the committee, e. g. by unduly delaying it.

If the parties to a collective agreement do not wish to create an arbitration committee, they may alternatively agree to submit disputes of interpretation to a conciliation tribunal selected by them. Agreements arrived at before this tribunal are submitted to the labor court, and the chairman may declare them generally binding as with decisions of an arbitration tribunal. Parties to a collective agreement may also set up an agency to arbitrate questions of fact. This agency corresponds in its composition and methods of procedure to an arbitration tribunal such as ordinarily enforces and interprets collective agreements. The decisions of such an agency on questions of fact must be accepted as valid by the labor court.

All students of poor men's courts agree that in order to succeed in their aim they must be both cheap and speedy. The industrial courts of pre-war days in Germany were both, and the labor courts have changed the previous procedure only to improve on it. Procedure is not wholly free; a court fee is levied which amounts to one mark for a case involving up to twenty marks, two marks when the amount involved is twenty to sixty marks, three marks when the case involves sixty to a hundred marks, and so on up with an additional three marks

for every hundred marks involved. But where the case is ended by conciliation, either before or after it has come before the full court, no fee is levied; and if the case is ended through the failure of one party to appear or by acknowledgment of error or withdrawal of the complaint before there has been any pleading before the whole court, only half the usual amount is collected. Fees are paid only when the case is concluded. The law makes no special provision for defraying witness fees and other expenses, which presumably fall on the parties with the possibility of collecting from the opponent, as in proceedings before the regular courts.

The procedure is as rapid as can reasonably be expected, and there are few complaints on this ground. Of the cases which were decided in the lowest courts by final judgment during the first six months of the labor courts, only four per cent lasted more than three months from beginning to end. Appeal has been made even more expeditious than under the industrial courts. It must be taken within two weeks, and two weeks are allowed for the preparation of the case, after which a date is set for the hearing. Of the cases which reached the appeal courts during the first six months of the labor courts' existence, two-thirds had been disposed of by the end of the period. The period allowed for appeal to the Supreme Labor Court is the same as that for the appeal courts. Cases are showing a certain tendency to pile up before the Supreme Labor Court, but this difficulty is not believed to be serious; it may be remedied at any time by the simple expedient of making provision for more sessions.

The law of December 23, 1926, was adopted only after the most exhaustive discussion, extending over a period of six years and more. Every party except two presented a bill of its own on the subject at one time or another, and some presented several. The votes in the Reichstag did not follow party lines exactly; all parties except the Communist Party agreed that labor courts should be set up, and the differences of opinion were on points of organization and competence. By the time the law came up for its last revision, all sides had had their say; and the final debate was short.

The chief point of contention was how far the labor courts should be independent and how far affiliated with other authorities. Four possibilities were open:

1. To continue the existing arrangement: i. e., to make the labor courts responsible to the communal authorities. This solution was advocated by Wölbling and a group of enthusiasts for the old industrial courts, which were organized on this basis. But it hardly seems consistent with the extension of the courts to agricultural districts.

2. Organic union of the labor courts with the regular courts, as a separate chamber. This project was worked out in a referendar's project of the national Labor Ministry in 1923. It had the backing of the great bulk of employerdom, for the employers were opposed to independent labor courts.

3. Complete independence of the labor courts. The government projects of 1923 and 1925 (which were not adopted) went farthest in this direction.

4. Affiliation of the labor courts with a semi-independent labor authority, in the administration of which both employers and employees would be represented, and which should include not only the labor courts but also all the labor and social authorities, such as those for social insurance, accident prevention, labor inspection, vocational guidance, employment exchanges, arbitration and conciliation. This proposal corresponds to the Social Democratic conception of the future state, and was given form in the Labor Law Committee's project in 1921, but not pushed; the Social Democrats recognized that the expense would be too heavy at that time.¹ As a step toward this goal the Social Democrats recommended making the labor courts independent for the time being.

The first of these four proposals—that which advocated making the labor courts responsible to the communities—found support chiefly in Berlin, whose communal court had been extremely successful. Against the extension of communal courts it was argued that (1) the courts would be at the mercy of accidental political changes in a community;

¹ See *Die Arbeit*, 1924, p. 73, and *Gewerkschaftszeitung*, 1925, p. 556.

(2) communal courts would be incapable of an adequate decision on weighty matters like the interpretation of important collective agreements; and (3) in the matter of appeal, insuperable difficulties would be created which could be solved only by accepting the regular courts for this purpose. Appeals from the industrial courts had been to the regular courts, but a continuation of this arrangement was fought by the collectivist element, which also found inconsistent with its principles the relegation to communal authority of an important institution like the labor court.

The proposal to unite the labor courts organically with the regular courts (advocated by the employers as a body) received unexpected support for a time from Radbruch, former cabinet member and popular Social Democrat, whose opinion carried much weight. In February, 1925, he argued in a speech against the independence of the labor courts. Their separation from the regular courts, said he, "would mean a death sentence for regular justice, and thereby create for the first time a real class justice." The work of the regular courts would be confined to legal battles over differences between capitalists; the regular courts would become "heaps of ruins". After expressing himself thus vehemently, Radbruch seven months later came out for independent labor courts; but his "heaps of ruins" speech had meanwhile created a vast amount of comment, and there are many today who deplore that the compromise finally effected in the law does not give the regular machinery of justice any great contact with labor cases and their liberalizing influence. The argument is raised to a very high plane by Dr. Lothar Schücking, a lawyer of Dortmund, whose extremely interesting article (in *Die Justiz*, 1926) contains the following:

The bourgeoisie is not morally in a position to create a new law. For that there is necessary a certain idealism which since the middle of the last century is only with the working class, in so far as it is present at all. If now a new proletarian law arises which stresses the social character of property, the duty of labor and the right to work, and which in its judgments brings to realization the protection of the workers, then such conceptions will

gradually penetrate bourgeois law. This latter will gradually become more and more what Potthoff calls *Güterverkehrsrecht*—that is, law of the exchange of goods—and its insufficiency compared with that of the labor law will become more clearly evident.¹

Closely bound up with the question of how far the labor courts should be independent of the regular courts is the question of how to keep the labor courts in close and intimate contact with economic life. The industrial courts were peculiarly successful in maintaining this contact; and indeed one critic thinks that the slight falling off in public sympathy for the industrial courts which took place between 1920 and 1926 was due to the fact that certain functions formerly performed by the industrial courts (in connection with labor exchanges, vocational guidance, social insurance, and especially arbitration) had been transferred to other agencies.² This separation has been continued in the new law; though it is to be noted that the chairmen of the labor courts not infrequently act as arbitrators in industrial disputes, as chairmen of arbitration committees. It was hoped to obtain additional contact by means of the committees of assessors, which are empowered to transmit the wishes of the assessors to the chairman of the labor court and to the government inspectorate. The committees have not lived up to the great things that were hoped from them. However, the labor courts are charged with the enforcement of collective agreements (where this is not done by the parties themselves); trade unions and employers' associations may appear before them as such. This is a sphere which the industrial courts did not claim for themselves. Before the war collective agreements when once made were considered to be free contracts, and their enforcement was left to the employers' association (if any) as far as the employers were concerned and to the trade union as far as the workers were concerned.³

In England and America, where there are no special labor

¹ *Justiz*, vol. II, no. 3 (1926), p. 276.

² Wölbling in *Zeitschrift für die gesamte Staatswissenschaft* (July, 1927), p. 90.

³ Häusgen in *Neue Zeit*, 1908-09, Bd. 2, p. 87.

courts (unless the workmen's compensation boards be considered such) and where the labor contract is still nominally free, the importance of standards developed within industry itself is coming to be more and more recognized. The success of the German labor courts will depend largely on their ability to incorporate into their decisions the spirit as well as the letter of such constantly developing standards. That this point is crucial is fully recognized in Germany. Professor Sinzheimer, for example, is strongly opposed to a codification at this time of labor law because it is developing much too rapidly. And W. Kulemann of Brunswick rightly remarks, "For those cases which affect the general population, the fact that a judgment corresponds to their sense of what is right is more important than its juristic rightness."¹ Foreign observers will scrutinize the decisions of the labor courts very closely to see whether they are dominated more by juristic or by economic and social considerations.

The provision of the new law excluding lawyers from the labor courts of first instance continues a similar provision in the law of 1890 which set up the industrial courts, a provision which was due to the vigorous insistence of the Social Democrats. The considerations which determined the commission in 1890 to exclude lawyers were speed, cheapness, equalization of forces of employer and employee, and the character of the cases (less juristic than issues of fact) which made it desirable that they be settled face to face by conciliation rather than through representatives. In the years following the enactment of the law of 1890 the trade-union representatives gradually acquired the right of appearing before the industrial courts, though this right was always questioned until expressly recognized by the law of 1922.²

The considerations which governed the commission in 1890 have little application today. Lawyers would have little opportunity to cause delay in the labor courts; the chairman has sufficient powers to prevent it. Nor does the argument that

¹ W. Kulemann in *Soziale Praxis*, vol. XXXV (1926), no. 6, p. 126.

² Dr. Georg Flatow (Berlin) in *Soziale Praxis*, vol. XXXV (1926), Apr. 15.

the expense would be too great for the poor man carry much weight. If he is organized, he will be represented by his trade union. If he is unorganized, he will either prefer to appear himself (in which case a lawyer would be unnecessary) or he will need a lawyer. If he has no money, the government could appoint a lawyer to assist him. (This system of assigned counsel, it should be added, appears to have worked in the past in the German regular courts rather better than in the United States.) The argument that the judge should speak with the parties face to face is valid; but it proves nothing regarding the appearance or non-appearance of lawyers, since both under the law of 1890 and under the present law the chairman has been given the power to compel the parties to appear in person.

If lawyers were admitted the employer would not have any greater power over against the employee than he has at present. No lawyer that an employer could hire would be any more familiar with labor law than the best Social Democratic lawyers and trade-union representatives who are always at the disposal of the trade unions. The union representatives are quite able to take care of themselves; they are not afraid of the regular lawyers, and in the appeal court, where they appear on an equal footing with them, they quite commonly beat them. The large employers, furthermore, who have a full-time lawyer attached to the firm, are allowed to have this lawyer represent them in the labor courts.

Yet the admission of lawyers before the labor court was the point which, next to the question of the independence of the labor court, was most hotly debated in the period when the law was under discussion. The legal profession favored the free admission of lawyers (though there were a few who were opposed—e. g. the Berliner Anwaltverein). A few liberal lawyers favored admission because they were sincerely interested in aiding the development of the new code. A much larger number who had no interest themselves in taking labor cases with their small fees felt that the good name of the profession was being injured. The employers were generally in favor of the admission of lawyers, and the labor press equally

solid against. The Federal Economic Council debated the question and finally recommended against.

A century's experience in France and nine years of experience in Austria (where the unions, at first opposed to the admission of lawyers, are now said to express themselves in favor) have shown that lawyers may perfectly well be admitted to plead before an industrial court without affecting the usefulness of the institution. The reason why the debate in Germany was so bitter may be guessed from the remark of a labor court chairman in Frankfurt-am-Main. "The workmen who appear themselves are so wordy", said this official, "they talk about everything and only sometimes about the point. I have occasionally advised them to join a trade union so as to get their case properly presented". That the exclusion of lawyers works to the benefit of the trade unions is attested by the employers,¹ and also by unionists themselves. "The whole spirit of the law is to favor the trade unions", said a representative of the trade unions whose whole time was taken up with appearing before the courts; "the unorganized worker can not even get advice from the trade unions, much less persuade them to represent him. If he has a job, he must appear before the court on his own time." Whether the trade unions have the right to appear for the unorganized is an unsettled question; the fact is that they do not wish to do so. Some cities maintain bureaus for free legal advice; but even these are not permitted to appear to plead in the labor court.

The attitude on this point of the trade unions, whose lead the Social Democratic Party follows in matters of social legislation, has led to hardship in a certain class of cases. For example, an unorganized worker—unorganized, perhaps, through no fault of his own—lives in town B and wishes to present a claim before the labor court in town A. He cannot afford the railroad fare, and he does not know anyone in town A who will act as his representative. In cases of this type the practice has been for the court to cut the Gordian knot and appoint a so-called *referendar* to handle the case. The *refer-*

¹ See von Karger in *Deutsche Arbeitgeberzeitung*, Nov. 6, 1927.

endar is really assigned counsel, and is remunerated as such. There can be no question that his activity is forbidden by the law, which is faulty on this point.

It is no doubt true that the law favors the trade unions at most points. But in the drafting of the law the Social Democrats and the trade unions did not have things all their own way by any means. The unions demanded that the labor assessors be specially protected against losing their jobs, and this was included in the first reading and later taken out.¹ The Social Democrats fought hard for the suppression of the guild arbitration courts, but were only partly successful.² The exclusion of lawyers was carried against a strong opposition in the Reichstag in the first instance, the German Nationalist Party, the People's Party, the Democrats and other parties contributing to what eventually proved to be the minority and the Communists abstaining. The Communists, indeed, opposed the whole idea of the labor courts from first to last, putting them down as an example of "class justice".

The chairmen of the Berlin industrial courts deplored the new regulations governing conciliation. The effect of making public the conciliation proceedings and of speeding up this stage represented, in their opinion, a retrogression. "The new project pays too little attention to the possibility of letting a dispute rest", they said. "It attempts to get people into court. The only place where a speeding up of procedure is offered is in getting through with the conciliation. But people much prefer in practice a settlement out of court."³ This advice was not heeded, and the provision making conciliation public (instead of private, as with the old industrial court) was incorporated in the new law. The experience of the first half-year with the new labor courts does not bear out the pessimistic predictions of the Berlin chairmen. Conciliation took place in quite as large a proportion of instances as formerly. The figures are as follows:

¹ But *cf. supra*, p. 402.

² S. Aufhäuser in *Metallarbeiterzeitung*, Jan. 1, 1927.

³ *Gewerbe- und Kaufmannsgericht*, 1926, pp. 49-50.

SETTLEMENT OF LABOR COURT CASES

Method of settlement	Before the industrial courts				Before the labor courts	
	1924		1925		1927 (2d half-year)	
	No. of cases	Per cent of cases	No. of cases	Per cent of cases	No. of cases	Per cent of cases
Agreement	37,729	30.4	49,184	33.6	55,801	33.9
Refusal	1,307	1.1	1,847	1.3	575	0.35
Acknowledgment of justice of claim.	3,379	2.7	3,788	2.6	4,005	2.5
Withdrawal of complaint	24,305	19.6	27,500	18.8	29,262	17.7
Default	11,696	9.4	17,502	12.0	16,874	10.2
Final judgment	26,538	21.3	23,736	16.2	23,908	14.5
Other methods	13,975	11.2	15,398	10.5	5,839	3.55
Unsettled	5,313	4.3	7,350	5.0	28,354	17.2
Total	124,242	100.0	146,305	100.0	164,618	99.9

The above figures are not strictly comparable as between the industrial courts and the labor courts, because the former include the cases of salaried workers and handworkers, which are not separately analyzed in the earlier years (though their total number is given).

For the same reason, and also because the new labor courts have not yet been running long enough to enable statistics for a whole year to be compiled, the increase in the number of cases under the new law can only be guessed at. If there appears to have been a considerable increase in the "unsettled" cases, and a decrease in the cases settled by "some other method", this may possibly be due to a change in the method of classification; at any rate it is worth noting that 5,953 of the cases listed as "unsettled" (3.6 per cent of all cases) in the second half of 1927 were cases on which it had been officially decided that no action should be taken, and such cases may not have been classified as "unsettled" in earlier years. The similarities in the method of settling are more striking than this (doubtful) difference.

Criticism of the Labor Court Law did not end with its pas-

sage; but the points of discussion now are rather different. Thus it is being pointed out that one man (usually a trade-union official) may be at the same time assessor in the court and advocate before it. Although no case has been mentioned in which the individual gravitated back and forth between the assessor's seat and the advocate's desk, it has happened that a trade-union secretary appealed a decision made by a court on which he was assessor.¹ It is a situation that would have afforded no end of amusement to Mr. W. S. Gilbert. I lived for a month in the home of a man who was holding both offices, and I did not discover symptoms of splitting personality; but he and most other trade-unionists acknowledge the anomaly, and there are some who refuse to serve in both capacities. Hardly less serious in its effect, and much more difficult to remedy, is the fact that the same *organization* may be at the same time in charge of the conduct of a case and sitting in judgment upon it.²

This point leads directly to a discussion of one of the knottiest questions now confronting the labor courts, namely, what to do about the problems of special trades. On the one side it is argued that each industry, on account of its complexities, needs if not a special court at least a special chamber of the labor court with its own assessors. The law makes such special trade courts permissive; but outside of the railroad workers' national system of courts and half a dozen trade courts in Berlin, almost the only trade courts that have been set up are the mercantile courts and the handworkers' courts. One principal reason is the expense involved. Under present arrangements a single pair of assessors may hear cases from a number of different industries in a single afternoon. If it were necessary to change assessors each time a new trade came into court, the remuneration to be paid the assessors for time lost would mount enormously. But it is frankly doubted by many whether trade courts are really necessary in any case. A com-

¹ See *Deutsche Arbeitgeberzeitung*, 1927, no. 51 (Dec. 18).

² For a statement of this and several other criticisms of the present organization of the labor courts, see *Deutsche Arbeitgeberzeitung* (German employers' organ), Nov. 6, 1927, article by von Karger.

promise formulation of the law that was considered and rejected would have made it possible to depart from the usual order in the list of assessors for the purpose of getting assessors familiar with the trade in question.

Whatever the final settlement of this question may be, it is clear that the present arrangement gives an undue advantage to one side where the assessor on his side happens to be familiar with the trade. For example, a miner comes to court with a wage claim. The point involved is so technical that the judge may be presumed to be incapable of deciding on it without special consultation of experts. But one of the assessors is an official of the miner's own union, while the employer assessor is (say) a manufacturer of bedsprings. In the deliberations of the court the union official will be able to contribute his expert knowledge, and his conception of what is fair in the case. The manufacturer of bedsprings will not have a corresponding body of knowledge to bring to bear. The reverse may of course occur at any time. The difficulty is not in the admittedly one-sided background and attitude of the assessor; labor courts are possible at all only because the assessors succeed to a degree in assuming the judicial attitude. The difficulty is that in this class of cases the assessors' respective predispositions to bias are not equal and opposite. The best that can be said for the present system is that in the long run the cases on both sides will average up; and that the present arrangement is cheap and convenient.

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THE PROBLEM OF LAND TITLES

WITH parcel post by the federal government an everyday matter, there is now before the country for consideration a change in the mechanism of another commonplace process that involves as far-reaching effects as the struggle for parcel post; with the difference that this process is one that has been performed as a public function since the days of the Pilgrim Fathers.

The process referred to is that of the public record of land transfers. In the period 1636-1680 the Pilgrim colonists started the recording system which has been followed here ever since. By 1850 this process had become inconvenient and inadequate, and in every successive decade the problem of how to handle the increasing bulk of material in the registries of deeds has become more urgent. Instead of one recording office at Plymouth, there are now 3,065 such offices in the counties of the United States.¹ About one-tenth of these being in urban centers, where transfers are highly concentrated, there are 300 offices which will in the near future feel acutely the need for more room, when their shelves, which seemed so far-sightedly abundant on the last rebuilding or addition, will have become prematurely filled by the accelerating influx of instruments for record.

What the early clerks' offices meant to the nation in the strengthening of governmental solidarity and the storing of rich lodes for later genealogists and historians to exploit, may easily be imagined; but at the present time their official glamor as the focus of the property interests of the community has given way to the atmosphere of a crowded factory under pressure to handle its raw material.

¹ The number of organized counties, returned as having population, at each decennial census of the United States, was:

1870	1860	1850	1840	1830	1820	1810	1800	1790
2,164	1,950	1,590	1,216	933	725	524	408	271

Three reasons may be noted for the urgency of this situation. The first is the change in land use. When the land was chiefly agricultural it was transferred but seldom as compared with present-day city land. Thirty years ago investigators were startled to note the rapidity with which transfers were accumulating. To quote from the proceedings of the Massachusetts Historical Society:

The great increase in the bulk of the records in the Suffolk registry of deeds [Boston] can best be comprehended by bearing in mind that 19 books contained all the deeds and other instruments left for record from the first settlement of the country down to the year 1700. On January 1, 1800, the number had risen to 193; on January 1, 1850, there were 606 books on the shelves; on January 1, 1875, 1,250 of them; on January 1, 1900, they had increased to 2,656 in number. So that there have been added in the last twenty-five years more books than had been filled during the entire period that preceded it. These are huge folio manuscript volumes, containing, most of them, 640 pages each. The present register (1900) has attested as many volumes of the records as all his predecessors put together and half as many more besides.

Any populous county seat will parallel this instance.

The quiet daily tide of documents is increasing to impressive proportions. These are two records taken at random: The year's total in Kings County (one of the five counties of Greater New York) in 1924 was 303,463—an average of over a thousand for each working day in the year. In Suffolk (not the most active county of the Boston metropolitan area) the totals for the third week of the same month in three successive years to 1928 were 671, 682 and 728; and the present annual total is double that of ten years ago.¹

In the second place, no backward limits have been recognized in the use of the system. The record of 150 years is still maintained as a vast whole, whereas for the purpose of

¹ The somewhat new but currently common use of mortgages (first, second, etc.) in commercial land-buying and in financing house-building of the wholesale type has a part in the increase of documents in the urban registry offices.

evidencing present ownership, so far as legal principles go, the books of more than seventy years ago need rarely be used.

The third problem is financial. The budget for a large office in a city county must cover salaries of the head and assistants, counter clerks, copyists, comparers, index clerks, cashiers, bookbinders—perhaps several score in all—and the upkeep of typing, photographic and other machinery. With provision for the public offices largely limited by past custom, it is difficult to secure funds for expansion or innovation. Any change in the annual budget of a political office is the resultant of many forces, and the direct fees collected from those who have papers to record are fixed by law and are below the actual cost.

The pressure of increasing difficulty in handling the records has caused various efforts toward simplifying the process. Besides experiment with details, such as the change from all to part manuscript work, printing the unchanging formal parts of deeds and mortgages and copying the rest by pen or later by typewriter (or now in some instances photographing the whole), there has been one basic innovation in the recording process itself. This is the change introduced in Cook County, Illinois, and in Massachusetts in the late nineties, consisting of recording a certificate of ownership instead of copying each deed or other instrument of transfer. This commenced American *title*-registration, a system which, as will be shown later, has immense advantages over the old system.

In the following discussion of the old system of land records—which is based on years of experience in the registries—the reader should keep in mind the distinction between the process of making the public record and the method of using the record when made. The relation between the two is one of cause and result. Modern legislation to lessen the amount of copying, for example, by enacting that two words shall have the effect of twenty formerly used, with a higher fee for using the latter, affects only the process of making the record. The new system of title-registration has undeniable advantages over the old system of deeds-recording from the viewpoint of the official who makes the record; but from that of the lawyer or citizen who must use it the advantages are even more numerous.

The actual use of the old mass of records to ascertain the title to any particular piece of land may be illustrated by supposing that a bank, needing to know the state of a particular deposit account, kept no ledgers but was accustomed to get the footing of the account by referring to the checks which it had paid; that these were not even kept at the bank but were handed over when called for to the depositor, after copying each in a book in a public office, to which office alone the bank could refer in getting the statement; and that in the same public office were copied the checks of all the accounts of this bank and all the other banks of the city, not each account by itself, but the whole mass of checks in succession according to the dates they were left for record. In this situation how would it be possible even to find the checks belonging to the single account which it is sought to examine?

A natural first step would be to index all the individual papers, say alphabetically by the name of the maker. This is commonly done in a recording office where are copied the deeds, mortgages and other papers affecting each piece of land within the territorial division. After the earliest days when the records were so few that it was a simple matter for a lawyer to select from the index list the instruments he needed to read, there was a stage when the work of listing the instruments affecting a particular land-parcel was done by individual "searchers" who were skilled in reading the multifarious indexes, enabling the lawyer to begin his work with a list of the necessary documents. At first it was the duty of the county recorder himself to have this list made, but the demands outgrew his time and the records became the foundation for private occupation by individual agents not lawyers. Today there are hundreds of young women engaged in such listing and copying of documents, either as free-lance workers or on salary from conveying law offices. The Massachusetts registries are thronged with them, in marked contrast to New York City, where "title insurance" companies do most of this work in their own buildings, housing abbreviated copies of all the public records.

An illustration may be noted here of what the work had become by the eighties, when the *New York Herald* printed this:

Lately the Jumel property was cut up into 1,383 parcels of real estate and sold at partition sale. There appear to have been about three hundred purchasers at the sale, and no doubt each buyer, before he paid his money, carefully employed a good lawyer to examine the title to the lots he bought. So that 300 lawyers carefully examined and went through the same work of examining the old deeds and mortgages and records affecting the whole property. Each searched the same index of names, picked out from the 3,500 volumes of deeds and mortgages in the New York City recorder's office the same big, dusty volumes, lifted them down and looked them through—in all, 300 times, the very same labor. Evidently, 299 times that labor was thrown away—done over and over again uselessly. And the clients—the buyers—together paid 300 fees to those lawyers, who each earned his money, but 299 of those fees were for repetitions of the same work. By and by, twenty years from now, instead of 300 owners of these Jumel plats, the whole 1,383 lots will have been sold and built upon. And, time and again, when these 1,383 lots are sold 1,383 new purchasers will again pay 1,383 lawyers 1,383 fees for examining the same Jumel title; only the fees will be larger, for there will—by that time, at the present rate of growth—be fully 10,000 big folio volumes. Not only that, but in examining the title for a purchaser his lawyer carefully puts in official researches; he makes a requisition on the recorder for all deeds, conveyances, mortgages and instruments in writing on record in his office affecting the parcel whose title he is examining. And, of course, the recorder carefully enumerates all the old deeds, etc., affecting the whole property. He charges and gets by law, five cents for each name searched against for deeds, and five cents per year per name for mortgages. Altogether, say twenty dollars is paid by each purchaser to the recorder for these searches. And, as there were 300 purchasers who put in 300 searches, the recorder gets 300 times twenty dollars for the same work.

A later step was the formation of "abstract" companies, which would furnish not only the list of the successive transfers from the index, but a synopsis or abstract of each, in their proper order, so that copies of the entire search or "abstract of title" could be supplied for separate lots out of a large tract having the same title. These companies could guarantee the

accuracy of their product. Thus developed broader lines of private enterprise working within the public office, and still aiming to facilitate the lawyer's opinion on a title.

Until title-registration, the principal improvement within the public office since colonial days was in the form of the index provided. For example, it has been found worth while for the older offices to make a compiled index, grouping all recorded instruments under the specific names of the makers in alphabetical order in one series, and of the grantees in another series. The Suffolk County (Boston) compiled index of grantors for the years 1800 to 1899 is in 290 volumes, which are recopied when worn out with use. Here again the current growth is reflected, as the similar index for the next eleven years takes 124 volumes, and that for 1911 to 1920, 139 volumes. There are also nine-volume sets of items compiled annually to three years ago, and lastly, twenty-one-volume sets for the last two years, and a current set in twenty-two volumes, of items segregated only by surnames. The very indexing is now a heavy part of the recorder's work, although originally no form of index was set up. Many offices have no fully compiled index of documents prior to 1850, and the first indexes rarely carried any note of the locality affected such as is always now a part of the index entry.

A change suggested about 1885 in New York City is noteworthy. In the course of successive terms of office and legislative appropriations, the extraordinary task was accomplished of making a block index which numbered all blocks of land in the city (parcels continuously surrounded by streets) and brought into successive pages all transfers relating to a block. This was continued so that reference to later transfers might be found under the block number instead of by alphabetical search. Had this been finished one generation earlier, the formation of the great private title and mortgage companies would have been indefinitely postponed.¹

¹ A by-product of this task was a set of abstracts, made and owned by the county, showing the title then to every lot in every block. As this is not technically a part of the county records, the same work is said to have been repeated independently by the first three title companies to form their plants.

An improved index is not the last step in the use of the records; but it is nearly the last. It permits listing the documents which must be read in order to review the successive transactions that are assumed to have resulted in the present ownership of the land. By such reading, a skilled person can form an opinion as to whether each link of transfer is sufficient.

The lawyer's opinion is the criterion of good title. But it is rendered to but one owner, actual or prospective, and the next must revive the whole operation at new outlay of time and money. This hindrance in the transfer of land is intrinsically unavoidable under the present form of the public record.

It is now apparent that public proof of the ownership of any piece of land could be more simply and permanently afforded by title-registration: that is, the recording of a certificate of ownership for every land parcel passing into private possession, instead of by recording the instrument of conveyance. This idea was first employed in the Torrens system designed about 1858 by Robert Richard Torrens for Australia, where the certificates are issued not by judicial but by administrative officials. The story of its spread throughout the British colonial possessions and its adoption into England is in the encyclopedias; but the introduction of this principle into the United States, where the original certification of the tract must, under our written constitution, depend upon a decree of court, is of such recent date that it is but now discerned in perspective.

The merits of title-registration as a relief from the deeds-recording system are that it requires no copying of documents, thus cutting down the volume of work in the recorder's office, and that it does away with the examination of long chains of past transactions by providing a form of title-proof that is immediately available for use. The action of the court in examining the previous recorded instruments before the original registration of a title, and then directing the certification as a public record of the resultant finding, removes the need of ever again going through the old records on that title. The certificate of title is a statement of the whole ownership, although it does not do away with the usual outside inquiry regarding taxes, current leases (not of record) and United States liens.

Besides the certificate in the county office, a duplicate is furnished to the owner, which must be presented at the registry when a note is to be entered of any change in the title. When registered land is to be transferred on sale, filing the signed deed and surrendering the owner's duplicate certificate authorizes a new certificate to be made out to the purchaser, and the old owner's certificate is canceled, with a notation of the number of the transfer certificate. In practice all certificates are numbered consecutively and kept in bound volumes at the registry of their issue, those that have been stamped "Canceled" being left in place.

Neither mortgages nor other documents for registered land are copied, but they are left on file in the registry with a serial number for each instrument; this number is noted on the certificate with a short statement of the purport of the document. The notation of the discharge of a mortgage is put alongside that of the mortgage.

As the certificate of ownership precisely describes specific land there must be an engineer's survey to the satisfaction of the court before title can be registered. It is commonly required that permanent markers shall be in the ground, and that the plan shall show such data as will enable the lines to be reproduced on the ground at any future time. A copy of the plan is bound with the original certificate.¹

About thirty years have elapsed since the first use of the American Torrens system, if that name be accepted for the plans initiated by statute in several of our states providing for original registration of titles by decree and subsequent transfers by the recording officers with directions from the court when needed. Since the insufficiency of the deeds-records becomes acute in the large city counties earlier than in the country districts, some of the statutes made the change optional with the counties; others required it throughout the state. Wherever the new system has been adopted, however, it has

¹ The uniform orderliness of these plans has been extended in Massachusetts to unregistered lands by the recent rule that any plan left at the registry must be of one of two sizes and on tracing cloth, for standard filing. This also enables the registries to furnish blue-prints.

been as an alternative optional with the individual, existing side by side with the old system rather than superseding it.

From scattered figures of the use of title-registration to specified dates the following fragmentary table has been compiled:

	Cook Co., Illinois	Cuyahoga Co., Ohio	Hennepin Co., Min- nesota	Ramsey Co., Min- nesota	Pierce Co., Washing- ton	State of Massachu- setts
Date of report	April, 1927	April, 1927	April, 1927	April, 1927	Jan., 1929	Jan., 1929
First certificate.	Mar., 1899	Sept., 1914	Dec., 1901	May, 1902	Sept., 1907	Dec., 1898
Original certificates. .	191,199	208	3,147*	3,198	85	13,426*
Total certificates ...	339,915	17,853	38,849	55,978	3,838	67,268†
Certificates in 1926..	25,279	3,414	3,339	3,660	(1928) 259	.....
Applications in 1926	823	15	219	120	.....	(1928) 676
Total applications ..	9,307‡	208	3,147	3,451	70	All 13,426

* Not reported, but possibly.

‡ 1917 to 1927 only.

† Four principal registries.

The line of figures, "totals certificates", is not indicative of how many pieces of land have been registered—for there is no telling how many of these certificates have been successively issued and canceled for the same land, or how many include grouped lots—but the table does indicate how often owners in these localities have saved outlay of time and money for repetitive examinations of these titles. It is reported from Cuyahoga County, Ohio, that practically all new registrations there cover large tracts for subdivision (for the evident saving of costs on the separate lots), and that there are estimated to be more than 25,000 separate parcels registered. Bank loans in this county in 1926 on registered land amounted to \$8,456,133. In all of Ohio there had been registered on January 1, 1927, lands having a total assessment value of \$22,421,000. In Cook County, Illinois, the loans in 1926 on registered land amounted to \$76,178,975, and the lands included in initial registrations that year were valued at \$6,500,000.

In Massachusetts there is wide resort to registration to secure the court test of titles which because of some deficiency of the deeds-records are no longer currently acceptable. If the court

finds that there are no actual outstanding rights and decrees registration of the petitioning owner's title, the question is settled and the owner again has a marketable title.

That a few of our state or county governments are thus seen to be supplying proof of land-titles gives reason for supposing that all may eventually do so. Nevertheless, two considerations apparently threaten the likelihood of this consummation. There is a serious danger of lack of adequate administration for the new system as it gains headway. The purpose of the certificate of title will be partially defeated unless the office space, facilities and clerical force are sufficient to issue the certificates as rapidly as wanted. Instances have been seen of county offices so crowded that the writing of the certificates is delayed to the danger point: a difficulty that can be prevented only by wide appreciation of the purpose and benefits of the system so that public and political enlightenment will compel administrative conditions comparable to those prevailing in private enterprise.

More than half of the states which have adopted the permissive use of title-registration have failed to provide separate officials for the new system, and its administration, after the initial decree, is consigned to the existing recorders in addition to their previous duties. Even if the situation is met by the separate counties by installing special assistants, it would seem that a state with many counties, like Virginia or New York, ought at least to create a state superintendent to aid the counties and insure uniform administration. The desirability of issuing a state document on the public purpose and local mode of use of the new system seems patent, yet in New York State, with land registered in several counties, no official publication has been issued in the twenty years since the act was adopted.

The efficient development of private title companies in the United States is a second force militating against more rapid spread of title-registration, since these companies tend to reduce the conspicuous pressure that led to its original enactment. A powerful factor in the growth of the New York City companies was their early combining with the evidencing of titles the lending of money on mortgage; the two businesses so sup-

plemented each other as to give dominating positions in both fields. In one sense the replacement of hundreds of individual lawyers by three "title guaranty" companies which took place in New York City in the eighties and nineties was advantageous, for it showed how simply a company with copies of all records could avoid repetition by sorting the past transactions into chains of title, and after one examination using these for the starting-point of future reports, adding later links as they might occur. This mechanical advantage in treating together the whole mass of a locality's records would be available to the individual lawyer only if he could concentrate widespread demand for title-opinions in his office. It is, however, only a halfway measure to handle old matter that should be abandoned.

Title companies in different localities have developed various forms of usage, due to the different stages in development of the forms of law prevailing in the different states at the time of their admission to the Union and adoption of constitutions, and also to the varying enterprise of the corporations in originating documentary forms and practices to appeal to their customers.

The facts of the chain of title are expressed by companies as (1) abstracts with guarantee of full agreement with the records; (2) certificates of how the record title is vested, which are forms of legal opinion for which a company has the same liability as a lawyer; and (3) title-insurance policies. These all are current usage in different localities, varying with the degree of land use, from open rural regions to the peaks of density in New York, Los Angeles, Chicago and Philadelphia. The first of these forms is by statute admissible as evidence in a lawsuit. The second is acceptable to an owner because like an attorney's opinion it is backed by financial responsibility. So is the third, which was originated in Philadelphia about 1877, was later carried to Chicago and New York, and now can be obtained anywhere through a metropolitan company.

In the use of the records the major process is gathering the elements of the record for the bit of land, like gathering and fitting the pieces of a picture puzzle; the companies do this and keep the result, so that at the next transfer the pieces are no longer scattered, as when different lawyers handled

them. While a title-insurance policy interprets the facts of the recorded chain, it does not lighten the work. The issuance of the policy is merely an extra step following the title examination. The point here made with regard to the private companies is that by their methods of handling titles they supplement the public machinery only in the mode of use of the deeds-records, and in no way affect the task of making the mass of record itself.

Their contribution has been, by doing the examining work out of the public eye, and by sorting title chains, to relieve the pressure and to bridge the gap between the breakdown in usefulness of the public record office itself for deducing title from the records and the restoration of that usefulness through an adequate administration of title-registration.

It rests with the American people what the administration of their recorders' offices shall be. There is no compulsion to the exclusive use either of the deeds-recording system and supplementary private enterprise or of title-registration. The two systems are in operation side by side. One-third of the states have afforded permission to their citizens to register their titles. Of our hundred largest cities, registration is potentially available in forty-seven. In the places from which actual use was cited above, the owner of registered land feels no greater sense of novelty in his dealing with the land office than the neighbor who has not registered.

The actual prospect is possibly best suggested by one's own reaction to the questions: Can government service function as well as private service? Can private service on the basis of the old form of record indefinitely conceal the need for, and advantages possible to, adequate governmental operation of the new form? Is even remarkably convenient private service, based on reliability and financial responsibility, worth while when it is not the main object sought? (Of course such service must be well paid, in addition to dividends and the cost of the public work on which it rests.)

Possibly issue need not be drawn between the two. The actual pressure of recording (which in New York County when the block index plan was broached in the eighties required

sixty feet of extra shelving yearly) is growing faster than ever. In 1928 four counties in four states outside of New York had over 200,000 transactions apiece, the largest number exceeding a half million, and of twenty-one counties having each a population of half a million people no county had less than 100,000 new documents filed and six had more than twice that number. The ever-increasing use and subdivision of land is likely to crowd all the agencies of title proof for years to come.

To get the most benefit the states should continue the attitude taken in initiating title-registration. Confronted by the earlier situation here sketched, the government appointed commissions to investigate the need and possibilities of relief, and so the first acts were drafted. An attitude of watchfulness toward the comparative use of the old and new systems might easily be maintained with periodic reports say by the office of the secretary of state showing the proportionate division of the annual transactions between the unregistered and the registered titles.

In such an attitude both lawyers and economists are especially interested. Were this not true of the lawyers it would be an anomaly in history. The public necessity for the high ethics of their profession is due to the wide extent to which they are interested in all the common affairs of the state. But there are two specific issues between the individual lawyer and the title companies.

The market for title-insurance, the latest invention in evidences of title, depends on recognition of the inherent possibilities for "error and omission" in the deeds-recording system and its mode of use. Title-insurance advertising therefore stresses the defects of that system, of which the company assumes the risk to protect its policy-holders. On the other hand, it has been the effort of the Bar through the two and a half centuries of that system to make it operate with justice and as well as possible, and all constructive effort should be in that direction instead of the opposite.

Not only is title-registration constructive in spirit, but also it opens to the Bar its opportunity of again directly serving in land transactions, with the single purpose of properly com-

pleting the transaction in hand and with no obligations in regard to the preëxisting title.

What concerns the economist is the cost and the product. Title-registration gives what neither the deeds-recording system nor any of the private forms of evidence resting upon it can: a product repeatedly available after one principal fee. The fixed fee for a new certificate upon a sale of land is usually but slightly more than the present charge for recording a deed and is nominal compared with any other form of title proof. Even the cost of initial registration through the original action of the court, though more than a seller ordinarily would pay toward the proof of title on a single sale, is not considered large when it is sought to settle some question that prevents use of the title if it is left open; and it can be recovered on separate sales when a subdivision group of lots is included in one petition.

It is true there are developments still left for the future as to the discarding of the old records of early registrations, and classifying the indexes of current certificates (which so far are mere alphabetical lists reminiscent of the first lists of grantees). The idea of insurance by the state against errors by its employees in attending to transfers has become attached to the system in some jurisdictions, and special funds have been accumulated at interest to offset the system's cost.

Evaluation of the whole saving that may be effected to the public through the new system must be postponed until some state or county government, anticipating the need of more space for its records, and sufficiently enlightened to consider a complete reorganization in the interests of efficiency, shall undertake a systematic and comprehensive study of the vexatious problem of land titles.

DORR VIELE

REVIEWS

Living in the Twentieth Century. By HARRY ELMER BARNES. Indianapolis, The Bobbs-Merrill Company, 1928.—ix, 392 pp. \$3.50.

Essentials of Civilization. By THOMAS JESSE JONES. New York, Henry Holt and Company, 1929.—xxvii, 267 pp. \$2.50.

These two studies of contemporary Western civilization employ very different methods. Professor Barnes gives a genetic interpretation of "how we got this way", in J. H. Robinson's phrase; Mr. Jones attempts what he calls a synthetic interpretation of the essential values of civilization. Hardly a topic or a name appears in both indexes. Professor Barnes writes as the self-confident social scientist, sure of his facts and achieved results; Mr. Jones, who is educational director of the Phelps-Stokes Fund, with a long record of service with educational foundations behind him, writes with the tolerant, liberal, philanthropic air of one who has had much practical experience and much disillusionment with theorists.

Mr. Jones asks, "What is Civilization?" He answers by listing four basic objectives common to all the organizations of society: health and sanitation; appreciation and use of environment, material and human; effective development of the home and the household, the chief factors for the transfer of the racial heritage; the processes of re-creation—physical, mental and spiritual. In successive chapters he undertakes to comment on what "the six types of organization through which civilization functions", governmental, industrial, educational, religious, philanthropic and artistic, can contribute to these four social objectives. He concludes, "Consciousness of community, consciousness of man, and consciousness of God will be expressed in the leavening of organizational activities by a determination to help realize the four community essentials." A civilization is to be judged by the extent to which its activities contribute to the aims of the social work of philanthropic foundations like the General Educational Board. What this means specifically may be gleaned from these comments on art:

Art's appreciation of health as a human factor is (so far) least of all for the production of health-posters and poems for health propaganda. . . . Is it not also orthodox art to surround the miraculous achievements of medicine with wonder and to infuse the reality of sanitary conquests with dramatic fancy?

The world is grateful to artists for their enduring presentation of family life and the sacred ties of the home. . . . True consciousness of art ideals evidently involves a sound consciousness of community life and especially an awareness of the vital functions of the home and its responsibility for the transfer of human heritage from one generation to another.

Professor Barnes' book, on the other hand, is a serious and scholarly attempt "to set forth in clear and popular form those transformations in our knowledge and material culture which separate our day from the civilization of Bentham, Jackson, or Lincoln." It aims to be a chronicle of what has taken place, and claims originality, not in its materials, but in its synthesis and interpretation. It asks for criticism of the worthiness of its historical vision and the wisdom of its selective emphasis. It springs from the conviction that of the two chief tasks of history, to reconstruct the civilizations of the past, and to explain how contemporary society has come about, the latter is by far the more important. From any serious standpoint the former is vitally significant only as it promotes a better understanding of present civilization. Where we go from here will be determined by how effectively we recognize and understand where we are now.

As such an attempt at a genetic analysis of the more immediate origins of contemporary civilization, the book is extraordinarily successful. The name of the author is a sufficient guarantee of a comprehensive, informed and scholarly synthetic account. Professor Barnes has curbed his propensity to strew his pages with lists of names; the references are largely confined to well-selected and lengthy bibliographies. Even his vigorous opinions have been subordinated to descriptive analysis, and crop out only occasionally, in his polemics against Jahweh and against the democratic ideal. Every teacher of the social sciences, every man interested in the society of today, would learn much from this intelligent analysis. No better text exists from which to teach the background of present-day civilization as it appears in the light of recent social science. This statement of the book's value must be prefaced to any attempt to give it the kind of criticism Professor Barnes asks.

The author points out that we are much more aware of material changes than of the accompanying transformations in intellectual outlook on the cosmos, God, the world, man and the objectives of human life. He believes that the greatest defect today is that responsible groups, with a mental life of the seventeenth century or earlier, are trying to control and direct a twentieth-century material civilization. It is therefore somewhat surprising that but one chapter is devoted to the intellectual implications of science, while nine are spent on an admirable account of the rise of industrialism. Even in the latter section, intellectual and institutional changes outside economics and politics are confined to a few short sections on the psychological results of industrialism and on the economic determinism of modern society. Evidently Professor Barnes has leaned over backward to avoid weighting his own interests.

For what it tries to do, however, this whole section (chapters iii to xi) is excellently organized. One misses the emphasis on the controlling influence of the development of machine-tools pointed out by Veblen and the engineers. One notes the contemporary and perhaps premature note of disillusionment with the democratic ideal, conceived in very narrow political terms. The social problem appears to the author to be the creation of an order in which a minority of the able will dominate. There is perhaps a little too much reliance upon H. L. Mencken and Will Durant as political philosophers; the intelligence tests are treated a little less critically than psychologists are now wont to treat them. But all in all there is probably no better account of the coming of the machine and its social implications.

The chapter on the implications of science leaves more doubt; it is a much more personal and selective interpretation. The very emphasis on the logical "implications" of science raises the question whether it might not have been better to subordinate what ought to be the changes in opinion produced by science to what they have actually been. Such changes are rarely governed by logic; and there is some discrepancy between what science implies for the author and the changes it has objectively caused. In this connection must be mentioned his obsession with astrophysics and the size of the universe of modern astronomy. As a matter of fact, astronomical theories have been accepted for centuries with no such revolution in religion and morals as they seem to necessitate for Professor Barnes; they awaken no criticism from the most ardent Fundamentalists. In spite of the author's scorn, Clarence Ayres is prob-

ably right: astrophysics is irrelevant to everyday life, whether it ought to be logically or not (p. 37). Far more important in changing the intellectual status of religion have been the anthropological and psychological interpretations of its nature and function, which Professor Barnes here hardly mentions, although he has dealt with them fully elsewhere.

One misses most of all the note of tentativeness and provisional hypothetical truth so characteristic of the scientific temper of mind. The author is too ready to rest on the "results of science"; with the consequence that his unqualified acceptance of the undulatory theory of light, of the Bohr atom, and of the unmodifiability of the gene is already out of date.

In treating religion and morality, Professor Barnes has a tendency to make a sharp contrast between traditional views and contemporary attitudes, disregarding the infinite gradations historically developed and present today. He gives the impression that outside Aristotle no worthy human ideal had been propounded before the era of "social science." Aquinas knew nothing about human nature; there has been in Christianity no *real* rationale of human experience; from the formation of a reconstructed morality the theologian and religious leader must be excluded. The "right to be happy" is treated in a page and a half, and "How to be Good" is disposed of in two pages! That morality must be reconstructed in the light of natural and social science, no intelligent man would deny; but that the task is quite as easy as Professor Barnes seems to think, and that it can be carried out with so cavalier a disregard for the experience of the past, is a position to which no informed man would agree. In dealing with moral values and standards, Professor Barnes lays himself open to the charges of being crude, insensitive, unimaginative and ignorant. It is a pity, for no man is in practice more sensitive and human. It is well that he does not elaborate the theme. This is the one topic in the book where the author's well-nigh universal competence manifestly breaks down. Even his admirers will heartily wish that he had kept this section up to the high level of the rest of the volume, and had not verged so closely on the appearance of bumptious ignorance.

With this single exception, and in spite of these doubts about the chapter on science, the volume as a whole is to be heartily commended as the best brief survey of the genesis of contemporary industrial society.

JOHN HERMAN RANDALL, JR.

COLUMBIA UNIVERSITY

Grain Growers' Cooperation in Western Canada. By HAROLD S. PATTON. Cambridge, Harvard University Press, 1928.—xix, 471 pp. \$5.00.

In showing the competitive forces which led to the organization of the wheat growers of western Canada Mr. Patton has rendered an important contribution. In contrast to the rise and fall of the "ephemeral" farm organizations of the United States, those of Canada have had a permanent and continuous growth. In a country where farming has been mainly concentrated on the production of one commodity, the organization of the agricultural community has not been so difficult as in the United States. Moreover, the organization of the class interests of farmers was easier of achievement in the days before the means of communication, the press, the radio, the movies, had become highly centralized. Today the development of public opinion in the country, as well as in the city, is one of the chief by-products of centralized business. Besides, the increase in tenantry in the United States has resulted in further disintegration through the absentee farm owners' taking on the bias of the townspeople among whom they live. With the greater concentration of business in the United States, the country town is coming, increasingly, to represent the city point of view. But during the first decade of the twentieth century, before this intrenchment of city control, the Canadian farmers organized provincial, educational and protective associations and their own press, which became the direct means for crystallizing opinion for political action and for promoting large-scale marketing organizations to take over the distribution of grain and live stock. By direct action as well as through strong educational associations, composed entirely of growers, the farmers of western Canada have achieved a degree of economic and political solidarity rarely, if ever, realized in the United States.

Through their provincial associations and the Council of Agriculture, western farmers have participated in the passage of important Federal as well as provincial legislation. Not only have Grain Growers' leaders been elevated to major ministerial portfolios in the national government, but in three provinces the farmers' associations have been called on to assume the responsibilities of actual administration, and in two of the three cases the farmers' governments have been returned to power on their records (p. 409).

But until the growers had experienced the limitations of political action and realized the capacity of their own marketing organizations

for establishing more favorable conditions of competition, they were inclined to rely upon government measures. The government, on the other hand, was as inexperienced as the growers before the prevailing trend toward centralization, and had to learn by experiment the methods of establishing and maintaining a democratic agricultural government. The Dominion government had granted a monopoly of transportation to the Canadian Pacific Railroad in order to encourage its construction; the railroad, in turn, had granted monopoly power to the elevator companies as a measure of conserving its very limited supply of cars. Whoever should construct a standard elevator would have the exclusive right to cars. This agreement of the railroad with the elevator companies (p. 14) was as effective as a similar railroad regulation in the United States in preventing direct loading over railroad platforms by farmers and by street buyers, or scoop shovelers, as they were styled in the United States. This measure prevented the farmer from being his own shipper, eliminated the free-lance competition of street buyers, forced grain through the elevators which were largely in the hands of a few companies, and depressed the price of wheat to the growers, as reported by the Royal Grain Commission (p. 22). The Manitoba Grain Act, passed by the Dominion government in 1900, in accordance with the recommendations of the farmer members of the Royal Commission, required the railroads to furnish cars without discrimination for loading over platforms or through flat warehouses as well as through the new system of elevators. In addition to car discrimination, this act outlawed the over-dockage of grain received in storage and the mixing of grades; the elevators were required to furnish reports of the grain handled and the amount of each grade in storage. A warehouse commissioner was provided for with authority to investigate the complaints of farmers, to institute proceedings at government expense, and, in fact, "to function as an Attorney General for the grain growers" (p. 24). While the law proved of some benefit, the farmers soon found that if other interests were allowed to own and operate the elevators and at the same time to own and to make a profit on the grain of farmers which they stored and distributed, no law could be successful in doing away with practices so profitable to the trade. Realizing that mere negative pronouncements of law did not change the main trend toward concentration in marketing grain, the grain growers at length proceeded to organize their own elevator and marketing facilities, and, finally, induced the government to take measures to help

finance the development of an elevator system which should be under their own control.

The government measures taken for the control of the grain trade at the time of instability, during the post-war period, 1919-1920, resulted in the establishment of a universal compulsory pool of the wheat of the Canadian growers. The Canadian Wheat Board was vested with a monopoly power to sell the entire crop for domestic and export consumption. The Winnipeg Grain Exchange ceased to function. The existing middleman agencies distributed grain at a fixed margin for the Board's account. The producers received an initial payment of \$2.15 per bushel and a participation certificate which would enable them to benefit by a rise in the price of wheat (pp. 196-7). As the growers later received a payment of forty-eight cents per bushel on these certificates, or a total of \$2.63 per bushel, and as they felt that they had experienced substantial benefit from a government monopoly of wheat distribution, eliminating speculation, fixing the spread between grades, and giving all growers an average pool price for each grade, they, in contrast to farmers in the United States, approved of government control, and sought to have it continued. But when this did not prove feasible the growers turned their attention to the formation of voluntary wheat pools.

After the post-war control of the grain trade had taught the growers a lesson in the advantage of a more complete coördination in the handling of grain, they realized the limited character of the coöperation possible under their stock commission companies, with no contractual relationship with the growers for handling the crop and with the individual growers continuing to dictate the time and method of sale of the product. The growers had come to see that their share companies, operating on a stock-profit basis, were being diverted from a policy of minimum costs to one of profit-making. But it should be noted that the growers' dividend stock companies were not stock companies in the ordinary sense. Profits were not made largely by stock venders and promoters of consolidations, reorganizations, subsidiary companies, or other instrumentalities of high finance. As pointed out by the writer, the shares were not controlled as a temporary speculative investment for profit on the stock turnover, but were entirely held by farmers, whose small, though permanent, investment in a grain trading company left their main interest in grain production, that is, in output, rather than in stock speculation. The successful experience of these growers' stock elevator and terminal marketing companies made it possible for the

growers to adopt a pooling form of organization which involved an assumption of greater responsibility for united action in the distribution of grain. As the growers' marketing organizations had not been utilized for building up a powerful vested interest in the holding of stock, or in acting as feeders to private companies, the growers could easily turn to a more efficient form of organization. The California plan of organization, which was decided upon, involved the adoption of a long-term contract with the growers, the pooling of all the wheat under the contract, and operation upon a non-profit basis. As the California pooling organizations have resulted in a distribution of the risk over the whole product marketed, and as the growers, accordingly, have been paid the average price through ups and downs of the market, the Canadian wheat growers reasoned that by this plan their management would be left free to feed the market more advantageously in accordance with its power of absorption. Accordingly, they sought to establish voluntary wheat pools controlling at least fifty per cent of the acreage in the hope of thus accomplishing the same results as those achieved by the compulsory pools established by the government Wheat Board under the stress of the post-war reconstruction period.

While the Grain Growers' Grain Company handled on a commission basis 2,340,000 bushels of the 1905 crop of wheat during the first year of its operation, and the United Grain Growers' Company and the Saskatchewan Coöperative together handled 99,000,000 bushels, or 19.7 per cent of the inspected wheat of the 1923 crop, the Alberta wheat pool alone handled 34,219,999 bushels in the first year of its operations in 1923, and the three pools of the provinces of Saskatchewan, Alberta and Manitoba together, through their own central selling agency, The Canadian Coöperative Wheat Producers Ltd., marketed 187,248,000 bushels, or 53.1 per cent of the inspected wheat of the 1925 crop at an average pool price of \$1.45 per bushel, No. 1, Northern basis. In the last-mentioned case, the central selling agency had a total turnover of \$265,782,000, after deducting all selling and terminal costs (p. 414). During the same year the growers' stock dividend companies, the United Grain Growers and the Saskatchewan Coöperative Elevator Company, handled 95,600,000 bushels, about half of which was, however, pool wheat, and was accordingly marketed through the Canadian Coöperative Wheat Producers (p. 325). The centralized agency established for selling the grain of the three pools possessed the power to regulate the rate of sale and of movement to the final market, irrespective of the

rate of harvest or the rate of movement from the 946 country elevators controlled by the pools. Through this regulation of the rate of movement by one centralized selling agency, the glutting of markets and the competition of growers are diminished and the competition of consuming markets for Canadian wheat is increased. The wheat pools control, through ownership or lease, nine terminal elevators with a capacity in 1927 of 22,325,000 bushels. Through these elevators it is possible to control the movement to strategic points in the United States and Europe (p. 257). Branch offices assist in widening the range of the possible market for grain in the leading markets of Canada and Europe. The progress toward direct selling was rapid: in the first year of operation of the Alberta pool in 1923 all wheat was sold on the grain exchange; in the first year of operation of the Central selling agency in 1924 about sixty per cent of its wheat was sold on this open market; and during 1925-26 and 1926-27 about seventy-five per cent of the wheat handled was sold direct to importers and millers (p. 272). The author characterizes this centralized marketing system in these words:

The achievements of prairie farmers in building up two of the largest and most successful elevator companies in western Canada, followed by the organization and operation of an inter-provincial wheat pool, which has become the largest single grain marketing agency in the world, have not only made the participating grain growers conscious of being business men, but have also revealed to them that by co-operation they can engage in "big business" on an even larger scale than that realized by vested commercial interests (p. 409).

While those in sympathy with the economic advancement of the farmer will appreciate the importance of Dr. Patton's analysis, there is a question whether Canada will not in the long run follow the main trend of development by making agriculture subsidiary to the other business interests. No matter who controls the distributive organizations, whether organized by farmers or others, agricultural producers cannot maintain the balance of agriculture if other producing groups have more effective means of maintaining prices. Of this maladjustment, which constitutes the problem of agriculture in the United States, the author says nothing. The question is: have the wheat growers' organizations of Canada changed the main tendency of the cost prices of agriculture to move generally on a higher level than its selling prices?

WILLIAM R. CAMP

BERKELEY, CALIFORNIA

International Economic Relations: A Treatise on World Economy and World Politics. By JOHN DONALDSON. New York, Longmans, Green and Company, 1928.—xxx, 674 pp. \$3.20.

Books on this subject are scarce and anyone who undertakes to write a comprehensive text of this nature deserves credit for his enterprise and for the time spent on it. There are in this book sections which will be useful to any student or teacher of the subject. Dr. Donaldson has made a heroic effort to draw together the exceedingly scattered and in many instances fragmentary data on the distribution of resources and on the circumstances of their production, and has on the whole succeeded rather well; it would be difficult to name another volume which contains as much well-organized material on this topic. And the same is true of the sections on the position of foreign enterprise in special regions such as the Near and Far East.

The political and legal sections often seem more open to question, but this reviewer's criticism will be limited to a discussion of the general point of view from which the author discusses and interprets his data. It is difficult not to smile at his statement that "one might paraphrase Adam Smith's basic concept that in the natural interaction of private self-interest lies the best adjustment of the economic relations of individuals, and apply it to nations" (p. xii). No wonder Dr. Donaldson can say that "to the extent that solutions of problems are considered *no radical proposals* are made".

International economic relations are interesting as a field of study because they are so obviously a zone of conflict. The new, post-war tendency is to delimit fields of conflict and to turn them over for the development of methods, procedure, formulae, etc. to particular institutions, to specially organized machinery such as the International Labour Office, the Economic and Financial Committee of the League of Nations, the International Chamber of Commerce, the International Railway Union, etc. These organizations surely have not been set up because of a deep faith that "the best adjustment of the economic relations of nations lies in the natural interaction of private self-interest". *There* in fact lies the very root of conflict, of economic and military war and of the international economic anarchy of before the war.

And this brings us to a second principal criticism. Mr. Donaldson says his study is "an attempt at analysis of things *as they are*", and "deals with *actually* existing conditions and problems" (p.

xiii). Now there is an obvious discrepancy between "things as they are" in international economic relations on the one side and official Washington's view of those "things" on the other. Among the outstanding facts of international economic life of the post-war period are such organizations as I enumerated above. Official Washington may not know of the existence of the International Labour Office, of the League, etc., but international economic life is at present to a very large degree being molded in these organizations. These institutions are the centers of activity, where acute problems are stated and discussed, and where the minds of the participating delegates are being conditioned to a new institutional manner of settling the difficulty. These organizations in Mr. Donaldson's view are apparently not "things as they are". There are chapters dealing with the "political factor", "world organization" and "world politics", but there is not a paragraph in the whole volume about the League or about the Labour Office! Here or there in the footnotes or in the appendix we find a reference to their documents; but the student reading through the text of the volume might easily believe that they did not exist. Precisely because our government is not willing to acknowledge the existence of these new facts in international intercourse, it would seem to be the function of a new university text to bring them to the foreground. A "treatise on world economy and world politics" is incomplete without them. The only official international organization which is recognized and discussed is the World Court, probably because it enjoys the favor of a certain number of the best minds in Washington. Its connection with international economic relations is, of course, infinitely less important than that of the League, the Labour Office or the International Institute of Agriculture.

Dr. Donaldson has given us a valuable reference book for data in his field which have thus far been difficult of access. His interpretation of these materials is of a more limited value, primarily because of his lack of appreciation of the new tendencies toward institutional treatment of the problems with which he has dealt.

RUTGERS UNIVERSITY

HARRY D. GIDEONSE

Labor and Internationalism. By LEWIS L. LORWIN. New York, The Macmillan Company, 1929.—xviii, 682 pp. \$3.00.

This volume is an account of those activities of organized labor which have international dimensions. Mr. Lorwin has delved with

painstaking effort and questioning mind into matters left chiefly, hitherto, to the writers of headlines. The history he recounts and the problems into which he inquires have been, despite the solid book written by Laidlaw, only on the vague rim of knowledge of most American students.

The movement toward international coöperation of organized labor bodies (trade union or socialist) gradually took coherent form in the fourth decade of the nineteenth century. Out of the "teeming mass of ideas" of the time, which comprehended vague ideals of democracy, international solidarity, workingmen's emancipation, industrial coöperation, and out of the swift extension of the range of commerce and communication, the movement came. To one of the earliest of the small international groups which met to plan the triumph of their ideas, Karl Marx read the *Communist Manifesto*. The turbulence of the forties, the boom and activities of the fifties, interrupted the eager calculations of these early groups, and it was not till 1864 that any of the planned organizations achieved continued existence. In that year a group was formed by the union of the British and Continental labor bodies, which has since been known as the First International. In the successor organization, the Second International, the movement achieved greater strength and practical importance. In addition, the trade unions in many industries formed international federations. Despite repeated failure the striving for international union showed increasing vitality throughout the pre-war period. It continues at the present time, despite frequent change in membership and policy, constant impairment by internal differences, and the memory of complete impotence in 1914. In its programs remain many of the issues for which the struggle was begun almost a century ago. Since the war there has come into existence the Communist Third International, dominated by Russia. The other post-war body, the International Labour Organisation of the League of Nations, is unique among labor bodies in that governments, employers and labor leaders participate in its activities. From all of these groupings, since the war, the American labor movement has stood apart.

To give an account of these organizations, the causes of their failures and successes, and the part they have played in world affairs, Mr. Lorwin has surveyed an enormous collection of detail. He had, in order to explain events, to revert constantly to the course of industrial development and controversy in each of the chief coun-

tries whose labor and socialist movements entered into these international bodies; he had also to enter into the study of the changing responses of each of the national labor movements to affairs inside and outside their countries. No less arduous was his task of inspecting and presenting the skeins of tangled doctrine to which each of the organizations, national and international, swore faith, of clarifying varieties of programs, and following the international movement through all the factional differences and coalitions which doctrinal disputes produced. All this has been done in orderly, adequate and far from dry summary. The story is completely and well written. The nature and history of each of the organizations and its units is studied by itself, and still kept in historical connection with others.

A reading of the book leaves behind a grist of general judgments. Throughout the record failure dominates success, dissension proves stronger than any unity of purpose. In those international movements which were composed primarily of socialist political bodies, the aims sought were generally vague, dispersive and illusory. In those internationals which were primarily combinations of trade unions by single industries, the will to coöperate has rarely been strong; the field of coöperation, save in a few dramatic times, has been narrow. Underlying the combinations of single unions there has been no coherent and thorough analysis of international economy in accordance with which effort could be concerted for mutual benefit. Thus one type of international organization has always suffered from an overdose of doctrine, another type from lack of one. The members of both have practically always in the final test of action shaped their decisions by adjustment to events in their separate countries, rather than as part of an international movement. Even the Third International, despite Russian dominance and insistence on orthodoxy, has not achieved any lasting measure of unity.

Mr. Lorwin finds that the main causes of the weakness and dispersion in the past, though different in form and dimensions, tend to go back to one root condition.

To sum up, the international labor movement, as an attempt to build up institutions for international economic and political co-operation, has to develop within a world system based on rival national economies and competing national interests. It inherits nationalistic structures, national traditions, and national points of view. Its absolute promises are hedged in by conscious and unconscious reservations which cannot but make its performances dualistic in purpose and partial in their results.

That is so. But in part, too, the failure was due to the vague and unrealizable character of the aims pursued and doctrines upheld, to the difficulties of converting the ardent social criticism which won adherence into any systematic and feasible program. The movements were all too often mainly emotional uprisings which were driven into the channels dug by the largest phrases.

Because of their power to mobilize emotions, to nourish a philosophy of brotherhood, these international movements remain a force working for the improvement of conditions of labor, for stimulating ideas and practices of democracy. Through the International Labour Organisation they (with the exception of the Communist International which fights that body) have a permanent instrument for the pursuit of their more immediate objects in the industrial realm. Above all they remain—the aim is less disputable than any other object and the obstacles clearer—a force for international peace. In some of the international organizations, or in some of their units—under the leadership of the Third International—there are purposes destructive of capitalist society. Mr. Lorwin is of the opinion that the aggression of Russian communism is almost certain to continue its slow change to one of compromise; but should war and upheaval on an international scale come, its purposes of destruction might conceivably come into action amid the greater destruction.

In the final chapter, the results of the scrutiny of the past are used to weigh the probabilities of the immediate future for the international labor organizations. In measured phrases, a modest destiny is outlined. As far as the probabilities can be balanced, they are well balanced here. If any sense of inadequacy remains as the final page is turned, it does not come from weakness in the treatment of the matters that are handled. It may come (it did to the reviewer) out of the thought of problems underlying the matters presented, and for the most part left aside by the author. These are the problems of doctrine, matters for a critical theorist. What beneficial objects can international labor organizations pursue in the world today? Does the progress of the organization of industry on an international scale supply a new justification for their existence? To what extent is the international regulation of labor conditions practicable and desirable? How can the organizations be fitted into other international organizations? What tasks can such a body as an international union of miners' trade unions beneficially undertake?

Such is the order of questions which inevitably come into the mind when Mr. Lorwin's record is read. In addition to accurate reporting and interpretation of the past, critical appraisal is needed to supplement what Mr. Lorwin has done. Small wonder it is that these underlying questions were not directly examined. Before the economist who would enter into them lies the quagmire of complexities of the contemporary economic and political world. But without such a body of critical doctrine, judgment must stand on the sidelines of the clashes evoked by the international labor movements—a witness but not a guide.

HERBERT FEIS

GENEVA, SWITZERLAND

The Drafting of the Covenant. By DAVID HUNTER MILLER.
New York and London, G. P. Putnam's Sons, 1928. 2 vols.—
viii, 555 pp.; iv, 857 pp. \$15.00.

Because of the scarcity of authoritative records, scholars have had difficulty in elaborating an accurate picture of the making of the League of Nations. Mr. Miller has done much to fill in the gap. He was a member of the committee appointed by Mr. Lansing to consider legal questions which might arise at the Peace Conference, then legal adviser to Colonel House's mission in Paris, and finally technical adviser to the American Commission to Negotiate Peace. Few could be in a better position to tell the inside story of the making of the Covenant; and Mr. Miller sagaciously and forethoughtfully kept a careful diary, as well as all important documents which reached him. His diary has been published in twenty-one volumes, but unfortunately in so limited an edition as not to be widely accessible.

The present work, however, is invaluable to the student of the League. It is in two volumes, of which the second and larger consists of documents only. It contains such materials as the various drafts of the Covenant, with their revisions, minutes of the Council of Ten, of the Commission on the League of Nations (both English and French record) and of the Plenary Conference, and the final texts of the Covenant. In all, there are forty documents, amounting to 833 pages—a treasure-trove for students in this field.

In the first volume, Mr. Miller gives a running story of the negotiations, connecting up the various documents, to which he makes constant reference. In his own words, he throws "such light upon

these papers as my own notes and records afford". The style is usually dispassionate and detached, though at times the author expresses himself with extreme vigor—as in his discussion of Lansing's attempt to keep the Covenant out of the Treaty and, more particularly, of Baker's description of that episode; or in his final conclusions. The whole book bears evidence of the most meticulous workmanship, and of a desire to give to students—it is distinctly not a work for popular consumption—all possible sources of authority for his statements.

The Phillimore draft was the first official governmental text, followed by the report of the French Committee. President Wilson's first draft, based upon the work of House, which drew from the Phillimore plan, was ready late in the summer of 1918. Of this, the author remarks that in its provisions for a uniting of forces against the state that should go to war without arbitration, it resembles more the Geneva Protocol than the Covenant as it evolved finally. Mr. Miller would have preferred "Association" to "League"; and, while he desired trade equality, he scoffs at Lansing's argument for equality of states in the Council as "words having no meaning whatever in the actual world in which human beings live". He has even less patience with Lansing's argument that the constitution forbids a treaty providing for coercion—a hardy perennial—and devotes several pages to disposing of it.

Wilson's second draft reveals the profound influence of the Smuts plan. The ideas of the latter as to the Council, obligatory arbitration, mandates, etc., were taken over into this draft. The third draft was ready January 21. Now began conversations with Cecil, and then with Hurst, which led to the Hurst-Miller Draft. Here the idea of a Permanent Court was substituted for Wilson's arbitration plans, which Mr. Miller regards as impracticable at that time. This draft served as the basis of discussion in the Commission. A chapter is devoted to each of the fifteen meetings of the Commission. Mr. Miller agrees with Wilson that Article 10 provides no guarantee against invasion. Considering the interpretation now being given to Article 11, Mr. Miller's comment that it was passed without its significance being realized is of interest. A religious article was debated and dropped; and the Japanese put up a strong fight for racial equality. The question of sanctions is recurrent.

When Wilson returned to the United States he was forced to accept changes. Mr. Miller thinks that Wilson's first trip was wise

(as well as legal), but not the second one. Wilson earnestly studied the suggestions made: ". . . the idea that he was wont arrogantly to reject suggestions of others is a myth of partisan hate". At the twelfth meeting, Wilson proposed three amendments—Monroe Doctrine, domestic questions, withdrawal—to meet these suggestions.

The above are samples of the innumerable matters discussed by Mr. Miller—the reviewer has merely "stuck in his thumb and pulled out a plum". There are many by-products, such as the conduct of conferences, the use of different languages, etc. Mr. Miller in general defends the Conference against the charge of intrigue, but not always against the charge of inefficiency. Among his conclusions may be noted: "The wisest of Wilson's many wise decisions was to put and keep the League in the Treaty of Peace"; that the Covenant remains about as it was written; that while the League cannot be what it was intended to be with the United States out, volunteer grave-diggers have been disappointed; that the campaign picture of the League drawn in 1920 was an "incredible farrago of balderdash"; and that "if the League goes on, we join".

CLYDE EAGLETON

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Statesmen of the War in Retrospect, 1918-1928. By WILLIAM MARTIN. New York, Minton, Balch and Company, 1928.—xiii, 329 pp. \$5.00.

The *Journal de Genève* is one of the nine or ten newspapers in the world that really matter. Its foreign editor, William Martin, is one of the best informed of modern journalists. So in spite of the fact that many others have ably passed in biographical review the chief figures of the Great War—one thinks, for example, of Eugene Bagger's *Eminent Europeans*—such a book as this can never be reckoned one too many.

The twenty-five men chosen for examination are a fair selection, most of them well known to American readers. Perhaps Gustave Ador, the Swiss, would be the least familiar name in the list, because the activities of the Red Cross and the Prisoners of War Agency, however vital to human welfare, were less dramatic than the conduct of belligerent governments in time of war. Neutrality has its drawbacks, and one of them is that it seems to lack romance. Not so to our author. His point of view is the ethical idealism which exalts

Pasteur above Napoleon and Ador above Clémenceau. To him Woodrow Wilson was the great figure of the whole era—"The war submerged all our European statesmen—one may say, without exception; alone the personality of President Wilson was made to look infinitely more impressive by this formidable ordeal" (p. 217). The two other Americans in the book, Herbert Hoover and Colonel House, also emerge with laurels. One infers that the expansiveness, candor and generosity of the better American type make it in the author's eyes the best type which the world has yet produced. By inference his opinion of the narrow American nationalists, the Lodges and Reeds and Big Bill Thompsons, would be as unfavorable as his views of their European prototypes.

If the author has any bias it is toward liberalism, surely the most generous of all possible prejudices. He tends to value each statesman in the degree to which he is moderate, generous, a good "citizen of the world". "Those who only made war, great men though they may be, will leave behind them but a transient fame. The memory of them will fade. Only those men will live on who knew how to make peace by getting inspiration in justice and in the needs of peoples" (p. viii). Briand is praised for extending the right hand of reconciliation to Germany; Venizelos of Greece, Masaryk and Benes of Czechoslovakia for subordinating immediate national ambitions to friendly relations with the liberal western powers, in contrast to the narrower attitude of Pachitch of Serbia, Bratiano of Rumania and Sonnino of Italy.

Yet this book is no cinematograph-land of heroes and villains. Charity is, if possible, stronger than liberal politics in William Martin's kindly spirit. He finds something to be said even for men whose political policies he detests. As a good republican, he likes least of all the crowned heads of the three autocratic empires—Wilhelm of Germany, Francis Joseph of Austria, Nicholas of Russia—and yet he depicts them with sorrow rather than anger, as men of good intentions but unfit for rulership. He can feel the agony of the pacific von Bethmann-Hollweg, pushed by the military party into a war which he did not desire but was constrained to defend, and of the liberal Count Czernin, desiring peace for Austria and obtaining instead—Brest-Litovsk! He is as ready to admit that Poincaré was the right man to disentangle French finances as to brand him the wrong man to handle French foreign policy. He feels as much sympathy for Clémenceau's pessimistic, atheistic but valiant soul, facing what he believed to be a worthless human race

and a meaningless universe, as for Cardinal Mercier's lone valor in facing the German invader. He pays tribute to the manly honesty of Tisza even while deploring his tyranny over the Slavs of Hungary; admires the character of the old-fashioned English statesmen like Asquith and Lord Grey even while regretting their irresolute policies; delicately disengages the elements of progress from tendencies toward reaction or demagoguery in Pilsudski, Paderewski, Venizelos and Lloyd George. No one goes from his court of historical justice without a fair hearing before a patient and upright judge. If the verdict he pronounces is ever unfair it is because all human judgment is fallible.

A certain gift of happy phrase adds to the pleasure of the reader. "Nicholas II, paragon of all the bourgeois virtues . . . would have been the best of his own subjects" (p. 28). "It was not to avenge Francis Ferdinand that Austria made war; it was to kill for the second time his projects and his ideas" (p. 26). "Sir Edward Grey's great mistake was not to see that the freedom of action he valued so highly was deceptive, dangerous, and, what is more, non-existent" (p. 100). Europe, a "mythical entity for many Americans" (p. 203). "In no country but England would Mr. Lloyd George have been any phenomenon at all. The extraordinary thing is that, with all his qualities and all his faults, he should have succeeded in winning over the very nation which was least calculated to appreciate either" (p. 297). Lloyd George "believes what he says, but he quickly forgets what he *has* said. . . . He is sincere by fits and starts" (p. 306).

PRESTON SLOSSON

UNIVERSITY OF MICHIGAN

War History of the American Railroads. By WALKER D. HINES. Published for the Carnegie Endowment for International Peace, Division of Economics and History, by the Yale University Press, New Haven, 1928.—xviii, 327 pp. \$3.75.

This contribution to the American Series of the studies dealing with the Economic and Social History of the World War, which Professor Shotwell is editing under the auspices of the Carnegie Endowment for International Peace, is likely to be more effective in promoting international peace than in fostering domestic tranquillity. It will probably have a disquieting effect upon the editors and publishers of nearly all the newspapers and weekly periodicals

of this country. Few of these recorders of current events and molders of public opinion have ceased since the war to dilate with faithful regularity upon the ghastly failure which the government made when it tried to operate the railroads. With such industry and zeal has the story been told that the inefficient and extravagant management of the railroads during the war cost the public uncounted billions of dollars, that the railroad service provided by the government was the poorest the country ever endured, that the Railroad Administration was dominated in turn by selfish politicians and greedy leaders of organized labor, that the railroads were wrecked financially and physically and returned to their owners in 1920 resembling little else than a huge pile of nondescript junk—so industriously has this story of ruin and devastation been circulated that all the aspiring defender of individual initiative need do to warn his followers of the dangers of government interference in private business is to speak in scornful tones of “what happened to the railroads when the government took them over”.

Mr. Hines's account of government operation of the railroads creates a different impression. During the first year of government control the railroads handled a volume of freight and passenger business greater than that of any preceding year, and handled it with an efficiency which, measured by all recognized standards, was superior to any previously established record; the railroad service throughout the period of government operation was in all respects superior to the service afforded by private management in 1917; the railroads under government direction did as well as or better than those branches of industry which were privately managed during the war; at no time did political considerations affect the action of the Railroad Administration; labor policies were never dictated by labor union leaders; the purchases of materials, supplies and equipment were made with striking economy; the roads, instead of being grossly undermaintained, were returned to their owners in a good state of repair, the amount eventually paid for undermaintenance being but a small fraction of the fantastic claims presented; the finances were dexterously and skilfully managed despite depleted railroad treasuries, low rates, high costs, and the inopportune failure of Congress to pass appropriation bills; and finally, while there was an operating deficit of more than a billion dollars, this financial loss was remarkably small in view of the fact that while prices in all other fields were skyrocketing, freight rates were increased but twenty-five per cent and passenger fares still less, and even these

increases did not become effective until the first year of government operation was half gone.

Since Mr. Hines was assistant director-general or director-general of railroads throughout the entire time of government operation, he is of course a somewhat prejudiced witness. But with respect to the record of physical and financial performance he marshals an array of comparative statistics which places his statements beyond challenge. The government unquestionably did a good job of railroading. Mr. Hines likewise disposes effectively of the charges of political favoritism and trucking to organized labor. Where prejudice reveals itself is in the discussion of the various policies adopted by the Railroad Administration with regard to labor, rates, fares and other less important matters which have been the subject of controversy. Seldom does he fail to find complete vindication for every act or decision. Expediency inevitably justified what sound principle and good practice did not sanction. *C'était la guerre*—the all-embracing excuse. The effort at vindication becomes at times a trifle strained; in particular do the excuses for the failure of the Railroad Administration to increase charges sufficiently to make the railroads pay their way seem weak and unconvincing.

Perhaps it is a faint suspicion that the plea of justification will not carry general conviction that is responsible for the most objectionable feature of the apologetic portions of Mr. Hines's discourse. He betrays a solicitude for his own record as director-general, when, in dealing with some of the alleged errors of the Railroad Administration, he takes pains to indicate that the fault, if by any chance fault could possibly be conceded, should be ascribed not to him but to his predecessor. In his discussion of the most bitterly criticized features of the Railroad Administration's labor policy he is particularly careful, whenever possible, to disavow responsibility. Though he defends the decisions about which so much question has been raised, he seems less concerned with the defense than with showing that the decisions were not of his making. It would seem that once he grants the soundness of certain measures, a discussion of the reasons for his view is a matter of greater importance to the public than establishing the time of the inception of those measures. To reverse this order of importance is hardly commendable.

T. W. VAN METRE.

British Routes to India. By HALFORD LANCASTER HOSKINS.
New York, Longmans, Green and Company, 1928.—xvi, 494 pp.
\$7.50.

It is surprising that a theme so fraught with romance as well as with political significance should have waited so long for an historian. It is more surprising that, having found one, it has not inspired a more exhilarating book.

British Routes to India, indeed, wants little from the point of view of comprehensiveness. For the reader likely to be attracted by its title does not care to know more of the long route about the Cape, still used by ships of sail, and still a prominent factor in the naval strategy of the British Empire. He will be satisfied with the chapter (pp. 80-102) which Professor Hoskins devotes to its discussion. He will want to know of the more direct routes to the Indies and of British interest in them. These activities, from Warren Hastings' treaty of 1775 with Mohammed Abou Dahab, Egyptian Bey, to the establishment of the present system of control over Egypt and the Suez Canal, Professor Hoskins relates with scholarly patience.

There are solidity and substance to the chapters dealing with the rise of the early composite route by steam and caravan through Egypt, the rivalry of Egyptian railway and canal projects, the rise of the comprehensive system of subsidized steamship and mail services to the East, and the surveys and projects for transit via the Euphrates. Important sections revive the story of the fitful projects for the Euphrates Valley Railway, that crowded hard on each other from about 1854 to the late eighties. One is struck not by the zeal with which the British government promoted these endeavors, but by its great reluctance to see them crowned with success. Even in such an emergency as the Sepoy revolt, it was slow to make use of the Egyptian route for troops. Professor Hoskins has laid diplomatic historians under great obligations by assembling inaccessible data upon interests which have affected events far from the Near East, and about which a good deal of uninformed generalization is current.

It is not a serious reproach to the author that in covering so wide a field, in point of time, his contributions have not all been of equal intensity and value. Apart from some of the earlier chapters, his sources have been chiefly memoirs and periodical material, supplemented by occasional monographs, blue-books and parliamentary

hearings. He has not made use of daily newspapers or financial journals, and has uncovered no archives. But it is perhaps in part a consequence of the material relied upon that there is a lack of sureness in the handling of diplomatic background and other matters upon which periodical articles are especially unprecise. Thus Hoskins can declare without evidence (p. 143), "That the British Government did seriously contemplate the occupation of Egypt at various times after 1830 cannot be doubted". Again (p. 337) the Foreign Office "permits", without proof, the Euphrates Company to understand that Parliament will approve a six per cent guarantee. Lynch Brothers (p. 424) assume "political responsibilities" and the British authorities give encouragement in the Middle East, both without documentary basis. These are not the only instances in which policies are ascribed to the British and other governments, without reservation, which are not matters of general knowledge, and not adequately supported by evidence. Another undocumented discovery of Professor Hoskins' is that Napoleon III in 1857 paid a visit to the King and Queen of England at Osborne (p. 341). It is not clear whether Lynch in 1831 (p. 424) or Hector in 1832 (p. 423) was the first British merchant at Bagdad.

The author's purposes, however, only incidentally entail diplomatic commentary. The real story is one of enterprise and endeavor; and *pace* Hoskins, it is a stirring theme. The highly accessible files of *The Times*, to go no farther, teem with material which would have added vividness, accuracy and significance to nearly every chapter. What was being communicated, what carried in transit, over the steadily improving routes? Who was interested in such problems, and why? What bearing did the Indian situation and Indian policy have upon the route questions? These are matters for which one must search diligently to glean much help from Hoskins. There is no hint of the influence of the overland mail route (pp. 408-11) upon railway building, or even upon diplomatic relations, in Europe from 1845 to 1861. The picturesqueness of Waghorn's exploits, the newspaper races for the earliest news from Bombay, these are matters whose inclusion would help what Professor Hoskins seems to be trying to do.

Somewhat arbitrarily, perhaps, the narrative begins to lose in fullness after 1860. The chapter involving the Suez canal share purchase is far from being an adequate summary of the readily accessible literature. And Professor Hoskins has written a chapter upon "Telegraphic Routes to the East" apparently without ever

having heard of the memoirs of Werner von Siemens. The references to developments after 1875 are only perfunctory.

Professor Hoskins has, in a word, fallen short of producing the really notable book that would be possible without going a great deal farther in the use of primary materials. To do as much as he has done in this pioneer work has, however, entailed years of patient research; and it will prove an indispensable aid and encouragement to others who, it is hoped, will delve further into many of the related problems.

LELAND HAMILTON JENKS

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The Cambridge Ancient History, Volume VII. *The Hellenistic Monarchies and the Rise of Rome*. Edited by S. A. COOK, F. E. ADCOCK and M. P. CHARLESWORTH. New York, The Macmillan Company; Cambridge, The University Press, 1928. —xxxi, 987 pp. \$10.50.

The seventh volume of the *Cambridge Ancient History* series covers the political, economic and cultural movements throughout the Mediterranean sphere in the third century B. C., with the necessary addition of nine chapters (ix-xviii) upon the early history of Rome and Latium, the expansion of the city-state of Rome, and its conquest of the peninsular portion of Italy. The vacancy created in the board of editors of the *Cambridge Ancient History* by the death of Professor John Bagnell Bury has been filled by the appointment of Mr. M. P. Charlesworth. Mr. Charlesworth's competent knowledge displayed in his recent book on *The Trade Routes of the Roman Empire* makes this choice a particularly satisfactory one as the series approaches the record of the Roman conquest of the Mediterranean lands. The extent of his knowledge of the economic penetration by Roman imperial trade deeply into the three "old" continents should insure a broad treatment of the fascinating historical problems which arise in connection with the expansion of Rome in the period from 200 B. C. to 117 A. D.

In chapter x of the volume now under discussion, Professor H. Stuart Jones has given an unusually well-organized analysis of the literary sources on the history of Rome to 300 B. C. and the information taken from them which appeared later in the works of antiquarians, encyclopedists and grammarians of the Christian era. The approach is rational and the result is to create in the reader

complete skepticism as to the possibility of writing anything more than the probable course of events in Rome and Latium, sketched in the large. This sketch must be based upon the available archaeological evidence and the few datable events connected with the contemporary history of the Greek cities of the Italian peninsula which have come down to us.

Mr. Hugh Last and H. Stuart Jones have essayed the "hazardous" task, to quote Professor Jones' adjective, of tearing down the structure of older Roman history as Roman and Greek historians had put it together, and rebuilding it according to their view of what it must have looked like (chapters x-xvi). Professor Jones has done the political institutions. Mr. Last has had the more ungrateful and more difficult task of dealing with the military, political and economic narrative, more ungrateful because of the difference in the nature of the sources of investigation in the two related fields. One wonders why the legends and myths which surround the founding of Rome must continue to appear in historical works. "The evidence they [viz. the early legends] supply is less valuable for the beginnings of Roman history than for the entry of Rome into the intellectual heritage of Greece", according to Mr. Last (see p. 39). Quite true—except that the evidence they supply for the narrative of events in the early history of Rome is practically nil. Their actual historical value, as Last himself states, is for the second and first centuries B. C. In that setting they have a definite usefulness, as representing what a people which was becoming highly self-conscious desired their noble forebears to be. And so did they reconstruct them. It is to be regretted that Mr. Last has accepted (p. 342) the theory of a rainy age in Latium in the early days of Roman history, without presenting the "abundant indications" which indicate it. The fact would be of great importance if it could be proved; but indications are not proof. The large population which he predicates for early Latium is another theory, derived in part from the "wetter" theory. The theory of climatic change has long since been abandoned as a warranted working hypothesis in dealing with ancient Greece. For Tunisia and Algeria its refutation has been accepted by almost all of the competent investigators. See the study of Melvin M. Knight on "Water and Empire in North Africa" in the *Quarterly Journal of Economics*, vol. XLIII (1928), pp. 58-60, where the abundant literature upon the subject is cited. It has seemed to this reviewer that Mr. H. Stuart Jones' analysis of the evidence available for the early period of Roman history must

inevitably have led to a more radical attitude toward rejection and reconstruction in dealing with the narrative of political and military events than that taken by Mr. Last, however much one may admire his learning and his conscientious effort to rehabilitate an historical period beset with difficult and highly controversial problems. The history of Rome's development to 300 B. C. is completed by chapter xvii, on the Gallic wars of Rome, by Professor L. Homo of the University of Lyons, and chapter xviii on the conquest of central Italy by Rome in its struggles with the Etruscans, Gauls, Latins and Samnites. This chapter is written by F. E. Adcock.

The progression of the *Cambridge Ancient History* into the Hellenistic period has called into the group of contributors a new list of specialized and competent scholars. Of the sixteen collaborators in this volume, twelve have not appeared in any of the previous volumes. The four remaining ones are W. S. Ferguson of Harvard, and the English scholars, W. W. Tarn, F. E. Adcock and M. Cary. Ferguson in chapter i has set the general cultural background for the entire volume in his discussion of the outstanding political tendencies and social ideas of the century. It is a vibrant and thoughtful summary of recent investigation upon the salient movements of the Hellenistic age, which can be read with pleasure and confidence by the non-specialist. The specialist will find additional pleasure and interest in occasional flashes of insight which derive from the writer himself. W. W. Tarn has written four of the twenty-six chapters which the volume includes. In chapter iii he covers the political narrative for all of the new Hellenistic kingdoms from 301 to 275 B. C.; in chapter vi the history of Macedon and Greece from that date to 245 B. C.; in chapter ix the tale of the wars between Syria and Egypt to the battle of Raphia in 217 B. C.; and in chapter xxiii the struggles between the Greek leagues and Macedon, 245-217 B. C. Tarn's uncommon biographic gifts are again displayed, as in his previous work for the *Cambridge Ancient History*, in his brief and sharply outlined characterizations, such as those of Demetrius City-Besieger; of Pyrrhus of Epirus "who held good cards, but could not play them"; of Antigonus Gonatas and Zeno the Stoic; of Aratus of Sicyon (p. 222)—

a hero and afraid; . . . neither virtuous nor great, but secure in a devotion often denied to the great and virtuous; inspired by a high idea which possessed his whole being and gave him amazing success against heavy odds, and at the end a traitor to that idea and to his whole life's work: such was Aratus, largely drawn for us by himself.

The chronology of the third century B. C. is notoriously difficult. Mr. Tarn has handled this basic subject with knowledge and good sense. In view of the information furnished by the newly published Oxyrhynchus papyrus 2082 and Ferguson's discussion of it in *Classical Philology*, vol. XXIV (1929), pp. 1-31, his dating for the tyranny of Lachares and the capture of Athens by Demetrius must now be moved backward by a year in each case, the first to 296 from 295 B. C., the second to 295 from 294 B. C. (p. 79).

The second chapter of this volume is a welcome summary of recent research into the early history of the Celts and their movements in Europe until their final settlement in Gaul, Spain and southern Britain. It is well presented by J. M. de Navarro. The administrative, economic and social side of the process of "hellenization" in Ptolemaic Egypt and the west-Asiatic kingdom of the Seleucids is admirably done by Professor Michael Rostovtzeff of Yale University (chapters iv-v). His special studies in the Zenon papyri and in the economic aspects of the Pergamene kingdom, and his intimate knowledge of the current excavations at Doura-Europus, a Macedonian foundation on the Euphrates river (pp. 186-87), give his work an unusual value. The remaining chapters on the lands of the eastern area which were penetrated by Greek culture are those of C. F. Angus on the literature of Athens and its philosophic schools; of Mr. E. A. Barber upon Alexandrian literature; and a survey of Hellenistic science by W. H. C. Jones and the very competent Sir Thomas L. Heath. The place and importance of Agathocles, tyrant of Syracuse, is presented in chapter xix by Mr. M. Cary. Professor Tenney Frank of Johns Hopkins University has written three chapters, those on Pyrrhus of Epirus, the first war between Rome and Carthage, and the political history of the west from 241 B. C. to the Second Punic War. Between Mr. Tarn's treatment of Epirus and the activities of Pyrrhus in Macedon and Greece, in chapter vi, and Mr. Frank's discussion of Pyrrhus in Italy and Sicily, the influence of the Balkan connections of Pyrrhus upon his decision to find a new field of accomplishment in the west has been omitted.

There are signs that the spirit of Locarno has penetrated even into historical circles. At least it is a pleasure to note among the contributors to this volume the name of a German scholar, Adolf Schulten of Erlangen University. He has written on the early history of Spain. There is probably no living scholar who could have done it so well. He presents the view, based upon the demon-

stration of pottery finds, that the Iberians were not an early-stratum population in the highlands of Spain, but had expanded into that area in the fourth century B. C. from the south and east coasts (p. 782). It is refreshing to obtain a point of view upon the early Roman activities in Spain which attempts to rid itself of the sanctimonious coloration of Roman historiography. Schulten is confident that the Romans, in supporting Saguntum against Hannibal, broke faith with their Ebro treaty of 226 B. C. (p. 790). His understanding of the Ebro treaty differs markedly from that of Professor Frank (*cf.* p. 810). The concluding chapter of the volume is that of Maurice Holleaux upon Illyria and the early relations of Rome with that country. The selection of M. Holleaux for this work was particularly well-advised.

WILLIAM LINN WESTERMANN

Memoirs of Halidé Edib. New York, The Century Company, 1927.—472 pp. \$4.00.

The Turkish Ordeal: Further Memoirs of Halidé Edib. New York, The Century Company, 1928.—407 pp. \$4.00.

The Turkish Revolution of 1919-1922 is one of the most far-reaching events and interesting chapters of modern European history. Influenced manifestly by the French Revolution, the struggle for freedom in Turkey took a form in many ways parallel to that in France: e. g., the overthrow of a long-established dynasty of effete monarchs, the separation of church and state, the enfranchisement of the masses in their social rights and privileges, the concurrent waging of a war against foreign powers, the establishment of a "republic" on the ashes of a traditional monarchy, and the rise of a dictator of victorious military reputation as well as of reforming zeal in the realm of government and social institutions.

As in the French Revolution, many of those who were the leading actors in the earlier stages of the drama became outcasts in the final act. Halidé Edib, in Turkey, was one of these. Like Mirabeau, Robespierre or Danton, she had been one of the leaders of the Revolution; by her vigorous writing, her eloquent speaking, her enthusiastic sincerity and high motives, and her indomitable courage, she inspired the nation to an impetuous patriotism. Yet she was finally forced into exile under the very Kemalist government which she had helped to bring into being.

Halidé Edib's two volumes of *Memoirs*, written directly in the most finished English, form a kind of double epic. There is the epic of a nation, brought through the fiery ordeal of battle, and the greater ordeal of responsibility, to a greater freedom. There is the epic of a personal life, still amazingly young and fresh, which has already made its mark in history.

In Halidé Edib's first volume she tells an intimate story of her life up to the end of the World War. She paints a beautiful picture of her home life and society in educated Turkish circles; she relates her struggles for a Western education, her innermost thoughts and reactions to her little conservative world; she describes her married life and difficulties, her opposition to polygamy. And then she tells the story of her distinguished social work, as novelist and poet, as journalist and writer on women's questions, as "Little Mother" to the widespread "Turk Ojak" movement of Turkish nationalism, as the first of women military nurses in Turkey, and as educational reformer and Inspector of Schools in Syria and other parts of the Ottoman dominion. She gives valuable glimpses of the political scene when the Young Turk movement was gathering force.

The second volume is an account of the Revolution itself, and is the most authentic and valuable record yet published on the history of that period. Halidé Edib, without undue emphasis, relates her rôle in fanning the flames of Turkish nationalism; in aiding the newly-formed "rebel" government of Mustapha Kemal in Angora, as one of its inner council; in fighting, as corporal and sergeant, in the battle-lines during the long campaign against the Greek armies in Anatolia; in the taking of Smyrna, with its tragic accompaniments; and finally as interpreter in the councils of the Powers when the war was brought to a close amid the intense suffering on both sides which she so vividly and poignantly portrays. The account gives an unusually critical appraisal of Mustapha Kemal Pasha, whom she supported in the early stages for his intense patriotism; later, she went over to the opposition and entered upon a reluctant exile in England because in his dictatorship he had adopted coercive measures which she could not condone. Throughout the account runs a steady feeling of sympathy and admiration for the simple Turkish peasants, the devoted men and women who paid the great price of suffering and sacrifice and to whom Halidé Edib ascribes the final victory of Turkey in its War of Independence.

The faults of these two volumes are negligible. Admiral "Galthorpe", in the second volume, should be "Calthorpe"; Gen-

eral "Papulas" is more commonly spelled "Papoulas". A work of such historical importance as this should certainly be indexed. Otherwise these volumes, comprising nearly nine hundred pages of text laden with difficult personal and geographical names, show admirable and painstaking care on the part of author and publishers.

KENNETH P. KIRKWOOD

OTTAWA, ONTARIO

American Foreign Relations: Conduct and Policies. By JOHN MABRY MATHEWS. New York, The Century Company, 1928.—xiv, 700 pp. \$4.00.

This work is to a certain extent a revised edition of Professor Mathews' earlier text entitled *The Conduct of American Foreign Relations*, which was published some seven years ago, but it is much more. For it contains a division devoted wholly to American Foreign Policies (Part I, pp. 3-214) which was not present at all in the earlier work. Here and there in the section devoted to the conduct of American diplomacy there also occur chapters and sections dealing with new topics such as Popular Control of Foreign Policy, The Diplomatic Service, and The Reorganized Foreign Service. There are also new appendices consisting of various documents illustrative of American foreign relations such as Washington's Neutrality Proclamation of 1793, Wilson's Fourteen Points, the Covenant of the League of Nations (*sic*), the Rogers Act, and two articles by the author on pertinent subjects, reprinted from technical periodicals.

The reviewer regards this as the best single volume on American diplomacy available. It is comprehensive, solid and penetrating. It avoids the error of retailing the history of our foreign relations without adequate attention to the organization and conduct of our diplomacy on one side or the policies which have informed that activity on the other. It avoids the abstract presentation of theoretical policy without adequate attention to mechanism and procedure and to historic episode and illustration. It remedies the error of a study of the organization and conduct of our diplomacy from a purely mechanical and legalistic viewpoint without adequate attention to policy and purpose by presenting in conjunction therewith a full treatment of the latter subject.

At the same time the reviewer would criticize the present volume adversely in a number of points. In the first place it is not our foreign "relations" which are "conducted" according to certain

"policies", but our *diplomacy* with foreign powers; our foreign relations are objective facts and occurrences and need no conducting—or at least are not properly to be regarded from that point of view. Perhaps this will seem to be a merely verbal criticism but it is the reviewer's experience that much confusion arises in the minds of students because of this verbal inaccuracy. In the second place it seems to the reviewer that it would be preferable to reverse the order of treatment followed by Professor Mathews and present the organization and conduct of American diplomacy (State Department, Foreign Service, Treaty-Making, et cetera) before presenting American foreign policy; both our foreign relations and the governmental arrangements for conducting our diplomacy arose prior to and are less theoretical than the principles of our policy; the latter can be better understood after a study of the former. Third, the reviewer finds the text undesirably dull in literary style; avoidance of exaggeration and vivacity makes for precision and stability of judgment, it is true, but it also makes for an inaccurate picture of the vitality and importance of the subject matter; students gain an inadequate conception of the living quality and the pertinence of American diplomacy from these pages. Finally, the reviewer disagrees violently with the presentation in chapter ii. "Cardinal Principles of American Foreign Policy" the chapter is called. The only sub-head employed reads: "The Policy of Isolation". Now in various places (p. 18, second paragraph, p. 23, bottom) Professor Mathews indicates that he realizes, of course, the inaccuracy of any such implication. But in other places ("It was not his [Washington's] intention to advise us that for an indefinite time in the future we should pursue a policy of isolation"—p. 23) he fails to escape from the wholly fallacious myth that Washington and other presidents have proclaimed such a policy; and nowhere does he refer to any sharp challenge to the traditional misinterpretation. As a result students who read Mathews repeat that "the United States has followed a policy of isolation"; it would be ludicrous if it were not tragic. Indeed the whole of Part I seems grossly inadequate.

In spite of these criticisms the reviewer believes that this is by all odds the most useful single volume on American diplomacy available at the present time.

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BOOK NOTES

With many writers a new textbook in history is mostly a problem in mechanics—proportioning parts, chapters and pages—together with the inclusion of novelties that will differentiate the work from other publications in the same field. The result in too many instances is the hop-skip-and-jump type of history in which deeds are stressed and ideas ignored, and both unity and continuity are lacking. In James Edward Gillespie's *A History of Europe 1500-1815* (New York, Alfred A. Knopf, Inc., 1928; 602 pp. \$5.00) analytical interpretation—not merely the cataloguing of facts—has been the author's guiding purpose. Consequently one finds causes, motives and results instead of lifeless narrative. The result is a book that invites study and incites thought. The history of Europe for the three centuries following 1500 is so pregnant with the beginnings and developments of our modern world that the announcement of every new treatise covering that period awakens the hope that the model textbook has at last appeared. Professor Gillespie's work has been long in the making and those who have known of its preparation have looked forward to its publication with keen anticipation. The volume opens with about fifty pages on "The Foundations" in which the political, social and economic backgrounds are discussed as a point of departure. Then follow nearly a hundred pages on "The Expansion of European Life and Culture" including overseas relations, changes in industry and society, and the development of culture. Part III summarizes the results of the Reformation. The influences of "Absolutism and Imperialism" are set forth in the history of Spain and France. The rise of maritime powers with the resultant colonial rivalry and the growth of representative government are fully treated. Part VI is devoted to Central, Northern and Eastern Europe in two chapters which are altogether too brief. An effort is made to assess the "Progress of Civilization in the Eighteenth Century" in forty pages—one of the most valuable parts of the book. The volume closes with a thoughtful survey of "The French Revolution and Napoleon". In a straightforward, interesting style the author explains and illustrates the forces working both for and against the progress of civilization in Europe for three hundred and fifteen years. One

finds new points of emphasis, fresh explanations, and influences ordinarily overlooked. The Spaniards and Dutch receive more consideration, and the peoples of Eastern Europe less, than is usually given them. No doubt students of the period will find ground for differences of opinion in the author's explanations and conclusions; but viewed as a whole this is an admirable text which deserves wide use. It is well-balanced, scholarly, up-to-date, and reveals the continuous process of change. Fourteen maps in colors add to its usefulness (though that of Europe in 1791 is listed as "Europe in 1789") and the references for further reading following each chapter are selected with discrimination.—A. C. FLICK, Albany, New York.

The aim of Henry Dwight Sedgwick's new book—*France, A Short History of Its Politics, Literature, and Art from Earliest Times to the Present* (Boston, Little, Brown and Company, 1927; viii, 396 pp. \$3.50) is so revealing that it is worth quoting at length. It is, in the words of its author, "to give a slight but continuous sketch in outline of the political growth of France from the time when she first became a Latin country up to the end of the Great War—in short a brief biography of France. And, as a nation, at least for the readers whom I have in mind, consists not of the dumb many, who move uneasily under the spur of economic or other elementary social impulses and appetites, but of the few who have stepped forth out from among the multitude to give utterance, in one form or another, to the national soul, I have said little of economic or social movements, and have allotted what space I could to the men to whom we owe the most definite expression of what seem to me typical French traits and qualities in art, in literature, in the conduct and the appreciation of life." The book, he explains further, is intended for boys, young men or girls at school and college and for travelers. The question at once arises whether, granted that it were desirable, it is possible even to outline the "political growth" of any country without taking account of economic and social movements. What idea even superficially adequate can one get of the French Revolution if the peasant is relegated to the background, or of Napoleon without the Continental System? As far as things political are concerned the impression left upon the reader is that of "how it was" not "how it became". Further, in the attempt to embrace in a single outline the development of art and literature as well as politics, there is danger of crowding and confusion—a danger which Mr. Sedgwick has not altogether avoided. Kings and prelates, artists and authors jostle

each other upon the stage in such throngs that in some instances they can scarcely be individualized. If the author had called his book by a less comprehensive title, as for instance *Some Impressions of French History, Literature and Art*, one would have given a more cordial welcome to the pleasant pictures, charming quotations and lively anecdotes which make up so large a part of the volume. —ELOISE ELLERY, Vassar College.

Ever since Mr. H. G. Wells started the fashion most of us have been writing outlines of something, literature, science, art, philosophy and, very frequently, history. Like most publishers the Vanguard Press has its own series, including "The A B C of Evolution", "The A B C of Philosophy", "The A B C" of the various natural sciences, and among the crowd "The A B C of History", a trilogy consisting of *The Foundations of Modern Civilization* (New York, Vanguard Press, 1927; v, 257 pp. 50 cents), *Our Own Times* (New York, Vanguard Press, 1928; vii, 322 pp. 50 cents) and an intermediate volume on *Civilization in Transition*, all three by Harrison C. Thomas and William A. Hamm. Many historians of the severer sort disapprove on principle of all such attempts. What individual today is competent to be a universal historian when specialists who have spent their lives on one period of one nation's life—the American Revolution, for example, or the Papacy of the thirteenth century, or Roman Gaul—can but offer a handful of facts, a few tentative theories, and numerous new doubts? Moreover there are obvious dangers in the compression necessary to a textbook or manual covering the whole human past. Too much that is marginally significant must be left out, all that delicate penumbra of exceptions and qualifications and diverse tendencies which modify the crude black and white "main facts" of history. In particular, small and quiet nations get altogether lost in the shuffle. Our authors, for instance, found it necessary to bracket all the recent history of the minor states of western Europe into one paragraph, giving the misleading and surely unintended impression that life in contemporary Spain or Portugal is much like that in contemporary Denmark and Sweden (*Our Own Times*, p. 186). Nevertheless Mr. Thomas and Mr. Hamm were abundantly justified in their bold attempt. They were avowedly writing for a public untrained in history and in particular for the radical wing of that public: the intelligent trade unionist and the rank-and-file Socialist seem indicated. These readers do not want monographs but they do want a general picture of the past. If

they are not offered it in standard manuals they will draw their impressions from journalistic gossip, Marxian dogma, and the highly individual, not to say crotchety, "outlines" by literary folk who venture as amateurs into the historical field. Rather than permit the intelligent young rebel to fill his belly with the east wind, the authors determined to provide honest bread and meat. *The Foundations of Modern Civilization* and *Our Own Times* are genuine history. The sympathies of the authors may be radical but their handling of facts is in the best sense conservative. Practically nothing is presented as a fact which would meet serious challenge anywhere, and the general fairness is as noteworthy as the general accuracy. Personal hobbies and prejudices are conspicuous by their welcome absence. A few detailed objections might be raised. Should there not be at least a few references for further reading? Does not the absence of any index sometimes prove a bother even to the general reader as well as to the student? Is it true (*The Building of Civilization*, pp. 21-22) that no European nation is "even largely Nordic" and that the "great civilizations of Greece and Rome were one hundred per cent non-Nordic"? This seems as rash as Madison Grant or Lothrop Stoddard on the opposite side of the fence. The reader is surprised at the authors' surprise that "Wilson changed his mind between December, 1916, when he urged a peace without victory, and April, 1917, when he led the United States into the war" (*Our Own Times*, p. 181). Might not the resumption of unrestricted submarine warfare in the interim explain the whole matter? Can it be said that contemporary France is "infinitely" stronger (p. 320) than Germany? No Frenchman seems to think so, and few other Europeans would be greatly surprised to see Germany ten years from now a more powerful weight in the scales of diplomacy than France. It should be said, however, that the general discussions of the origins of the war, the controversies that marked its course and those that grew out of its settlement, are carefully balanced and give no impression of bias.—PRESTON SLOSSON, University of Michigan.

The present reviewer believes that no better book than Ernest Gruening's *Mexico and Its Heritage* (New York and London, The Century Company, 1928; xix, 728 pp. \$6.00) has ever been written on Mexico. If American students had such a work on every country of Latin America it would be possible for some of them, at least, to proceed with a clearer understanding. Only a small portion of the work may be called history in the narrow sense of the word,

for less attention is given to the matter of "heritage" than to a careful analysis of the contemporary political, social, cultural and economic conditions of Mexico. Yet almost everything which Mr. Gruening writes is illuminated by what appears to be a sound historical approach. Here one has something of the "New History" from the pen of a man who is not a trained historian in the strict interpretation of that phrase. The volume is pretty thoroughly documented and fully illustrated. The style is excellent, yet one has a feeling that the truth is not often sacrificed or even subordinated to the manner of expression. The author is judicious in the handling of his evidence and is perhaps as free from prejudice as an advanced liberal can be. The work begins with a historical survey of Mexico from the conquest to the end of the Diaz régime. In sixty-eight pages the author gives an excellent sketch of the main outlines of this period. He then deals with the "Indian Heritage", "The Revolution" (1911 and after), "The Church", "The Army", "Labor", "Politics", "Justice", "Education", "Health", "Foreign Relations", "Women", "Cultural Products of the Revolution". A brief "Conclusion" and a bibliography of twenty-five pages reveal the author in the rôle of a prophet, but with his prophecies grounded upon a thorough grasp of the nation's past. It would be too much to expect that a work of such scope would appear without minor defects. The section on foreign relations, for instance, is confined almost exclusively to Mexico's relations with the United States; and little is said about national politics in the chapter dealing with that interesting topic. Perhaps Mr. Gruening has no idea of turning his attention to some of the other nations of Latin America. If he should, he could probably render an invaluable service both to the scholars who are working in that field and to statesmen who will be called upon to deal with Latin-American problems.—J. FRED RIPPY, Duke University.

The Albert Shaw Lectures on Diplomatic History which began in 1899 with Professor Latané's study on the *Diplomatic Relations of the United States and Latin America* have furnished us with some fourteen monographs in the field of diplomatic history. Of these, five have been devoted to some phase of Latin-American relations, and the last—*Rivalry of the United States and Great Britain over Latin America—1808-1830* (Baltimore, The Johns Hopkins Press, 1929; viii, 322 pp. \$2.75) by J. Fred Rippy—maintains the high standard of scholarship set by the previous volumes. As indicated by the title, the subject matter which Pro-

fessor Rippy chose for his investigation is so limited that although he cites an article by Frank Simmonds in his preface to predicate the timeliness of the study, a book of this type is prepared primarily for specialists and for reference, and even Professor Rippy's somewhat sprightly style will hardly alter the situation. Indeed, only the fact that the work is monographic in character excuses the many and sometimes lengthy quotations—in some instances four to five pages—with which the study is fortified. But in the present case they add to rather than detract from the value of the work in that they are apt, and often from sources not available to the general student. One sentence (p. 312) gives a false impression by stating that the United States refused to accept the rules of the Declaration of Paris "because of the stipulation abolishing privateering" when as a matter of fact President Pierce would have gladly accepted it if amended to exempt all private property on the high seas except contraband. A similar statement in the preface (p. viii) is partially explained by a footnote although again the emphasis seems to be placed upon privateering. The author is to be congratulated upon his clear, unbiased and accurate survey of the period treated.—GRAHAM H. STUART, Stanford University.

In *The Nationalist Crusade in Syria* (New York, The Foreign Policy Association, 1928; xiii, 299 pp. \$2.50) Miss Elizabeth C. MacCallum, the Foreign Policy Association's research expert for Near Eastern Affairs, has made a study at once of the recent growth of Syrian nationalism and of the practicability of the mandate system. In the first chapter she has described the mandate scheme; in the last she has discussed its success as regards Syria; and in the nine intermediary chapters she has examined the political turmoil in Syria since 1918. The task has been well done—and with almost impeccable impartiality. The theme of the work is briefly as follows: Syria became a mandate with the understanding that this was only a temporary status and that France would allow her to try her wings after a brief period of training. France, for her part, pursued a policy which indicated that she did not regard Syria merely as an independent nation temporarily under her tutelage. To this difference of viewpoint was added irritation caused by French administrative blunders, the decline of trade and agriculture, and the growth of national sentiment. These difficulties brought on the Druze uprising, a war which aggravated the difference and greatly increased Syrian nationalism. After months of fighting France agreed to allow the convocation of a constitutional convention which

thus far has not been able to frame a document suitable to the mandatory power. During all this fracas, what action did the Permanent Mandates Commission take to settle matters? On the whole Miss MacCallum's criticisms of this body are favorable, for she realizes the difficult situation it is in. After presenting all the "pros" and "cons", she concludes, "French prestige now depends in part, as it never used to, upon the ability of French administrations to satisfy their examiners at Geneva. France's realization of the importance of this new element in the situation has undoubtedly placed Syria in a more advantageous position than it would have enjoyed had the mandate system not been devised." And further on, "... Many representative nationalists ... have been known to denounce the Permanent Mandates Commission for what they term a complete ineffectiveness in dealing with the Syrian rebellion. Yet it is a significant thing that none of these representative Nationalists have been known ... to advocate publicly the substitution of a direct colonial régime for the existing French mandate." The book is a vital one for students of the Near East and for those who follow the functioning of League machinery.—SHEPARD B. CLOUGH, Columbia University.

Among recent publications dealing with contemporary political developments in the Near East a significant contribution has appeared in the volume entitled *The Mandate for Palestine* (New York, Longmans, Green and Company, 1928; xv, 399 pp. \$8.50) by J. Stoyanovsky, who has already gained recognition as an authoritative writer on the mandate system of the League by reason of a former work, *La Théorie Générale des Mandats Internationaux*, published in 1925. The author in the present work again confines himself chiefly to legal aspects of the subject he has chosen. In an introductory section, however, enough is said about diplomatic and political considerations to acquaint the layman with the salient features of recent Palestinian history and to give him an understanding of how the mandate came into being. Much of this section is therefore familiar ground to the student of Near Eastern affairs. It is in the remainder of the book that Dr. Stoyanovsky's distinctive contribution is to be found—in the section on the Jewish National Home and in the one following it which deals with "the mandate proper". The latter presents a detailed analysis of the obligations arising from the terms of the mandate—obligations of the mandatory toward the League of Nations as well as its obligations toward the inhabitants of the mandated territory. An inter-

esting detail in this section is the author's criticism (p. 193) of the clause in the mandate which provides for reimposition of the unpopular capitulations in Palestine upon termination of the mandate. This he characterizes as inconsistent with the very purpose for which the mandate was ostensibly established—viz., the preparation of Palestine for political and administrative self-sufficiency. In the preceding section on the Jewish National Home one finds as clear an exposition as one could wish of the legal implications of the "national home" policy. In this part of the book, and still more perhaps in the introductory section, it is made apparent that the author's sympathies are on the side of Zionism and a little removed from Arab policies. Otherwise he would hardly have committed himself to a statement (p. 41) which means in effect that for certain purposes the Jewish people the world over may be considered as forming virtually part of the population of Palestine and that, by implication, there can be no question of granting the country unqualified autonomy so long as the dispersed population is absent from it. A few passages expressing similar opinions will not command the assent of all, but even the most confirmed advocate of immediate autonomy for Palestine will probably acknowledge that Dr. Stoyanovsky's book is the most dispassionate and thorough piece of analysis which has yet appeared in book form on the subject of the Palestine mandate.—ELIZABETH P. MACCALLUM, Foreign Policy Association, New York City.

A very useful addition to the Borzoi Historical Series is *A History of Canada*, by Professor Carl Wittke of Ohio State University (New York, Alfred A. Knopf, Inc., 1928; xv, 397 pp. \$5.00). For the time being at least, it fills the long-standing need of a one-volume student's history in this field. Professor H. E. Barnes has written a noteworthy editorial introduction, drawing attention to several points regarding the value of Canadian history for American students. There are useful maps, the texts of the British North America Act and amendments are given in an appendix, and there is a good index. The newer tendencies and perspective are observable first in the allocation of somewhat less than half the space to the period prior to Confederation and only forty pages to that of exploration and French rule; secondly, in the increased attention to Canadian-American relations; but especially in the inclusion of sections or chapters dealing with economic and social development at the various periods, and some pages on Canadian literature and art. As a textbook it does not pretend to original scholarship or to much emphasis

on interpretation. That the influence of the "new history" which this series aims to exemplify is not more evident in this volume should doubtless be attributed to the largely "political" character of the history-writing upon which it is perforce based, rather than to the author himself. Nevertheless more attention might without marked subjectivity have been devoted to the tracing of broad movements and factors in development. Indeed the volume inclines to the recording of events with incidental comment, and to sketchy treatment, thus leaving much to the teacher and to supplementary reading. Several specific points in the text perhaps warrant comment. For instance, the "repeal" of the Quebec Act (caption, ch. vi) is certainly too sweeping a term; save for the governmental machinery it decreed its salient features still remain. Exigencies of space have frequently hindered adequate elucidation; in the twelve lines dealing with the expulsion of the Acadians the explanation of it, "many French priests, subject to the authorities at Quebec, continued to live and work among them", is somewhat cryptic (p. 37). The fact that Roman Catholics would not have been excluded from a representative assembly if set up should have been made clear in connection with the Quebec Act (p. 47). The protectionist affiliations of the "Canada First" group might have been noted (p. 227). The technical term for the constitutional reunion of the Empire is imperial "federation" not "confederation", and to include the reference to Goldwin Smith in the paragraph dealing with this movement is certainly misleading (*ibid.*). In discussing the Americanization of Canada the author appears to have leaned on Moffet, a broken reed (p. 292). The issues and stages in the attainment of "equal status" might be more clearly stated (ch. xxx). Perhaps also, the importance of French Canada in the evolution of Canadian national life and problems might have been more stressed. These are minor defects; throughout the record the author has been called upon to deal with highly controversial issues, and appears to have succeeded in doing so with remarkable fairness.—A. GORDON DEWEY, Amherst College.

Following the Imperial Conference of 1926, which marked the coming of age of the British Dominions and the formal recognition of their equality in status with Great Britain, Mr. L. S. Amery, secretary of state for Dominion affairs in the Baldwin ministry, set out on a tour of the British Commonwealth that occupied seven months and carried him around the world. During the course of it he visited South Africa, Australia, New Zealand and Canada

and delivered some 300 speeches, a selection from which has been published under the title *The Empire in the New Era* (London, Edward Arnold and Company, 1928; 306 pp.). Mr. Amery shows himself to be what Lord Balfour, in a foreword to the volume, calls him, "a passionate advocate of imperial cooperation". He believes that the true interests of each part of the Commonwealth harmonize with those of the whole, and that by intelligent and loyal coöperation it can be made into something far greater, both in material prosperity and as a force for world civilization, than has ever been known. In imperial outlook he is a disciple of Joseph Chamberlain and is convinced that effective fiscal preference is essential to the successful development of the Commonwealth. His tone throughout is enthusiastically optimistic.—R. L. SCHUYLER.

Described in the subtitle as "an account of the passing of the English Reform Bill, the causes which led up to it, and its far-reaching consequences in the life and manners of all grades of society", *The Transition from Aristocracy, 1832-1867*, by O. F. Christie (New York and London, G. P. Putnam's Sons, 1928; xii, 348 pp. \$3.50) is a graceful and vivid picture of the varied life of the period by one whose youth—as the reader may gather from incidental allusions—reaches back to Mid-Victorian days. It is based upon a "manageable quantity of histories, biographies, memoirs, essays, speeches and novels", and, while not over-profound, is informing as well as entertaining. The "old system" previous to the first Reform Bill, the aristocracy, the rise and characteristics of the middle classes, various traits and policies of the queen and the prince consort, the position of the established church, the old coaching times, the advent of the railroads, together with some of the less heavy aspects of politics, are among the subjects dealt with. One of the points which Mr. Christie properly emphasizes is the essential aristocracy of the old Whig leaders, their hostility not only to a strong monarchy but also to radicalism, and the opposition of not a few, as large landowners, to the repeal of the corn laws. He dwells also on the almost miraculous many-sidedness of Prince Albert. In writing about famous estates it would have been helpful to many to mention also the families to whom they belonged. Instead of saying that ten bishoprics of the Irish Church were suppressed in 1833 (p. 54) it would have been more exact to say two archbishoprics and eight bishoprics. We are told (p. 228) that Prince Albert "could enjoy a joke against himself" and (p. 232) that he had "no sense of humour." While technically North was

a "commoner" (113) it should have been pointed out that he was heir to a peerage. Without indicating that she may have been exercising the privilege of the great and the feminine the author makes Queen Victoria's attitude to the Germans somewhat inconsistent. Also he quotes without comment Matthew Arnold's rather unfair description of the position which the middle classes took toward the Federals in the American Civil War (p. 270). But it would be ungracious to dwell further on minor details in such a charming book.—ARTHUR LYON CROSS, University of Michigan.

The Struggle for the Rhine, by Hermann Stegemann (New York, Alfred A. Knopf, Inc., 1927; 432 pp.), translated from an abridged edition of an original German work, is ostensibly a work of interpretation rather than of research. The thesis is simply expressed: "Possession of the Rhine enables—and has invariably enabled—a conqueror from the South or West to control the entire Central European zone and therefore to dominate Europe; whereas the inhabitants of its right bank need the Rhine to maintain their independence." In other words the French struggle for the Rhine is an act of aggression, the German a laudable attempt of defence against this aggression. Control, incidentally, involves the whole basin. "To possess one-half of it involves an insoluble contradiction". The struggle for this control is traced from Ariovistus to the Treaty of Versailles. The author assures us that the end is not yet. The details of this history are not always made subordinate to the central thesis; one wonders if it was necessary to write so long a book to present a single idea.—THOMAS PEARDON, Columbia University.

In his *Introduction to Agricultural Economics* (New York, Thomas Y. Crowell Company, 1929; xix, 472 pp. \$3.00) Fred R. Yoder sketches in an objective manner such economic problems as land, labor, social capital, credit, insurance, marketing, coöperative marketing, foreign markets, taxation, tariff, agrarian movements, the business cycle, the farm problem. In his concluding chapter Professor Yoder proposes the following remedies as a partial solution of the farm problem: more effectual control of production; economical land utilization; reduction of costs of production; organized coöperative efforts; equalization of the effects of protective policies; equitable distribution of tax burdens; education. Professor Yoder brings to his work a certain freshness and enthusiasm. He ranges widely over the great explored fields of economic knowledge, touching on such diverse topics as Malthus and the Farm Bloc, the Nullification Ordinance, Pooling, the Nonpartisan League,

deflation and the Carey Act, the Grange and the Farmers' Alliance. Covering such a wide range of topics, the author has been forced to depend on the original researches of others. This debt he frankly acknowledges. If there are in America "schools of thought" in agricultural economics, then the author may be said to represent the Wisconsin school. His chief emphasis he puts on land, giving to this subject 110 pages, or almost one-fourth of the whole book. He deals with land as a factor of production, rent, land tenure and land policies. Under the last head he discusses the meaning and need of land policies in the United States at the present time; the historical policies of our government with the public domain; the land policies of Ireland, England, Wales, Denmark, Eastern Europe, Victoria Settlements, California Settlements; and various land-settlement ideas, including radical proposals for land reform. Coöperative marketing receives very full and detached treatment. The limitations of coöperation are pointed out as fully as are the possibilities of this method of doing business. The tariff, the author finds, has cost the farmer more than it has gained for him. The general effect of the tariff for the protection of infant industries, says Professor Yoder, so far as most farmers are concerned, is to leave them without any effective protection and to compel them to pay higher prices for many of the products they consume. He examines in particular the effects of the protective tariff on wool, sugar and cattle, and concludes that even in these fields the tariff has been a very unimportant influence. On the extremely controversial subject of price fixing he takes the ground common to most economists, namely, that price fixing without controlling production is futile. He favors government aid in marketing, but in a field quite distinct from price fixing or price tinkering. He says that governments can and do aid farmers in marketing by the following methods: official grades and standards; shipping-point inspection; market news service; investigation of foreign markets; help to farmers in organizing coöperatives; establishment of state and municipal bureaus of markets; better storage facilities, particularly through the licensed warehouses; more and cheaper credit through the Intermediate Credit Banks. The orderly marketing dogma receives some but not much recognition. "However", says Professor Yoder (p. 345), "since private middlemen have always engaged in storing and holding farm products and have effected orderly marketing among themselves, it must not be assumed that coöperatives can make great gains for farmers in

taking over their functions". Professor Yoder has a style which is exceptionally clear and simple. His material is well selected and well organized, considering the present somewhat vague status of agricultural economics. For, as teachers of this subject know, in dividing the public problems of agriculture from the private problems of agriculture, there is a twilight zone of uncertainty.—JAMES E. BOYLE, Cornell University.

In contrast to many recent commentators upon the merits of democracy as a system of government, Seba Eldridge in a volume entitled *The New Citizenship* (New York, Thomas Y. Crowell Company, 1929; vii, 357 pp. \$2.50) refuses to take the pessimistic outlook of what might be called the Lippmann school of political thought in regard to the capabilities of the voter. Neither does he accept the point of view of those whose chief concern is non-voting and whose major objective in political activity seems to be "getting out the vote". The crux of the problem of democracy as the author sees it is the quality, not the quantity, of the vote cast. In this he agrees with Mr. Lippmann. He does not agree with the distinguished publicist, however, in the conclusions to which the latter has come in a recent volume dealing with public opinion, to wit, that the rôle of the voter must be radically limited, for in the author's opinion Mr. Lippmann "has misconceived the nature of the public interest in public questions; underrated the ability of the public to judge those questions on their merits; exaggerated the importance of tests applicable by the public in the judgment of public controversies; and accepted a faulty etiological conception of the public with its unsound implications respecting the possibility of more competent publics in the future". Nevertheless, it is fully admitted that many of the defects of our existing political system have been correctly diagnosed by Mr. Lippmann. The task of political science as Professor Eldridge sees it consequently is that of improving the quality of the voter. And to the exposition of a tentative plan for the accomplishment of this object the major portion of the volume is devoted. The various agencies and institutions which might be utilized to this end are touched upon with varying degrees of enthusiasm. The kernel of Professor Eldridge's scheme, however, seems to be the establishment of primary, face-to-face discussion groups throughout the nation. Just how these are to be established—whether in conjunction with the adult education movement or the newer development in libraries now sponsored by the Carnegie Corporation—is seemingly a matter of indifference to the author and

a program still to be worked out. In the concluding chapters of the monograph there takes place a discussion of the desirability of limiting the suffrage, but no very definite conclusions are reached. The essence of the proposal, however, lies in the scheme already referred to, designed as it is to produce a new citizenship. Whatever the reader may think of the details of the plan set forth by the author (and a conservative critic could find many to comment upon), whatever he may think of the originality of portions of the book (and Mr. Eldridge would probably be the last to claim that many of the suggestions contained therein were original with him), the author should nevertheless be commended for calling to the attention of his colleagues in political science once again an aspect of their subject which in the study of the law and structure of government is frequently overlooked—the problem of improving the quality of the voter.—SCHUYLER C. WALLACE, Columbia University.

In a little volume entitled *The Slum Problem* (London, Longmans, Green and Company, Ltd., 1928; 220 pp. \$2.25), B. S. Townroe has set forth "some facts and figures likely to be helpful to those who are trying to deal with the problem". Although there is a chapter on America, the greater proportion of the monograph deals with the slum situation as it has developed in England, and analyzes in detail the attempts which have been made to remedy or ameliorate it. No roseate view of a Utopia easily attained is presented by Mr. Townroe, but rather a morass of difficulties and complexities to be waded through. Nevertheless, for the student of social affairs endeavoring to face reality, the facts here set forth should be of considerable interest and value.—SCHUYLER C. WALLACE, Columbia University.

In a volume entitled *Susan B. Anthony, The Woman Who Changed the Mind of a Nation* (New York, Frederick A. Stokes Company, 1928; xiii, 367 pp. \$5.00) Rheta C. Dorr presents in a very charming manner indeed a picture of the grand old lady of the suffrage cause, tracing her career first as a school teacher at Canajoharie, then as a temperance worker and finally as a crusader in the field of woman's rights and a champion of universal suffrage. As a portrayal of the life of Miss Anthony the volume is excellent indeed, as a picture of the personal relationship existing between the leaders of the suffrage movement in the early years of that movement the analysis is exceedingly satisfactory, and as study in the technique of political reform Miss Dorr's work should receive only commendation. Like many another biographer, however, although recog-

nizing the influence of social and economic forces and the contributions of other personalities, Miss Dorr has nevertheless credited her heroine, particularly in her subtitle, with perhaps a greater degree of influence in shaping the course of events than is in reality her due. It seems to this reviewer at least exceedingly unscientific to attribute to Miss Anthony or to any other single worker in the cause of reform complete credit for having "changed the mind of a nation." A plausible case certainly can be made for the contention that it was the industrial revolution rather than Miss Anthony which in last analysis was responsible for the final outcome of the suffrage crusade. Political power and economic power usually go hand in hand. It is probably no overstatement, consequently, to maintain that had another than a machine culture developed—with its myriad jobs within a woman's physical capacity, carrying with them as they do economic independence for women—Miss Anthony's message might have fallen on stony ground. This is not to be interpreted as meaning, however, that the force of Miss Anthony's personality or the philosophy she espoused were insignificant. It is merely intended to point out that Miss Dorr has, perhaps, failed to strike that balance between the force of individual personality and the force of events which should be the desideratum of all true biographers. Be that as it may, the picture here presented is admirably painted and well worth the scrutiny of both historians and political scientists.—SCHUYLER C. WALLACE, Columbia University.

The New World: Problems in Political Geography, by Isaiah Bowman (Fourth edition; Yonkers-on-Hudson, World Book Company, 1928; v, 803 pp. \$4.75), needs no introduction to readers of this journal. The latest edition contains a thorough revision of the text and several new features, although the general plan is unchanged. There is an introductory chapter dealing with questions of a more than regional application such as disarmament, boundaries, minorities and mandates. The succeeding chapters, thirty-four in number, survey the different countries as in previous issues. The section on the United States, issued as a special supplement to the first edition, is here embodied as a chapter of the main work. Photographs are omitted from this edition, but many new and remarkable maps (there are 257 in all) appear. Three appendices deal with raw materials within the British Empire, war debts owing to the United States, and the principal treaties and agreements from 1814 to 1920.—T. P. PEARDON, Barnard College.

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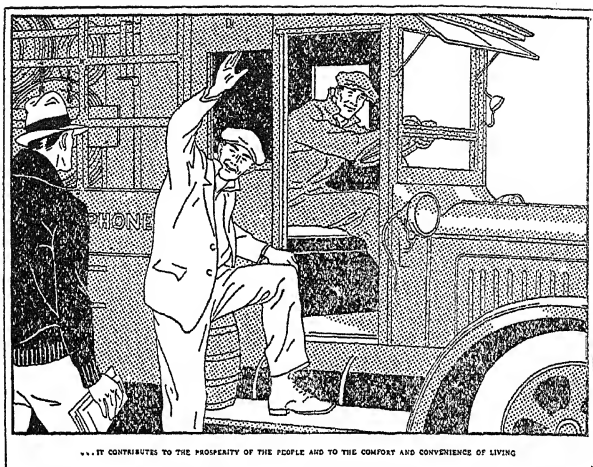
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POLITICAL SCIENCE QUARTERLY

APPROACHES TO HISTORY I

IN the university catalogues *History* figures as part of what we commonly term the social and political sciences.

To quarrel with general designations is in a sense perhaps only a scholastic entertainment; for as soon as we begin to question definitions, concepts and designations, we appear to give these concepts a certain validity as such, instead of looking upon them as having merely an instrumental significance for various types and modes of understanding in which our minds are engaged.

Broadly speaking and following our *jus loquendi*, there would appear to be a chasm between anything that claims to be a particular history and anything that claims to be a general science. A particular history is an attempt to understand a particular series of definite and concrete relationships. Such relationships have happened but once in history; whether this history deals with Caesar's relations to Catiline, or Mommsen's relation to the historical Caesar, is immaterial. Obviously there was but one Caesar and one Catiline, and one situation in which they appeared. But Caesar is not unique because he is Caesar; he is unique because he has an individual name. So is every reader of mine unique; so is any particular dog of any particular reader of mine, though written history may neglect to deal with their particular relationships. By the same *jus loquendi*, which vaguely represents certain attitudes, "Science" is a study of what things have in common, of properties that are general and not particular or individual. Science does not deal with a particular and individual bug or bush or bird, with the forma-

tion and color and size of a particular quartz crystal in a particular granite pocket,—it deals with the general conditions of their general existence. To science therefore, as the word is ordinarily used, the individual exists only in his general aspects: the dog of science is a general dog, not somebody's particular pet.

It would seem that history, which deals with a specific relationship in a specific time, and science—social science or any other science—which disregards the specific and the uniquely individual, must carry on their particular pursuits in different realms. These different realms, however, are realms of the same mind operating with particular slants peculiar to its own particular time. The historian does not get his slants or general attitudes from his history; he introduces them into his history. They are of a general nature; and he shares them with the social sciences. The social sciences, on the other hand, take their specific material from history as “records of experience”, though this “experience” is arranged or altogether manufactured in strict adherence to formulas that belong to philosophy or “science”; and thus an inner *rapprochement* is established, that makes history the very staff of life to the social sciences and makes modern history dependent upon such insight and such formulation as social science furnishes.

Manifold and complicated are the problems that history and the social sciences present for consideration, and the very technique of their handling presents great difficulties. We can deal here only with some of the more fundamental problems; and to avoid too great a complexity and confusion, let us arrange our considerations in concentric circles. The outer ones will necessarily be critical.

It is generally believed by the historian that he is not inventing nor altering documents, but is studying them “critically”, deciphering the thoughts of men, recording their deeds, and laboring as faithfully in the broader field of knowledge as the recording angel in his cognate profession. And yet how fortunate it is that theology has never given to the recording angel the latitude of an historian and the privileges of a critical

scholar! If the reputation of the recording angel has remained unimpaired, it is because his task is so simple—his task is only to record *all* facts. Had he to record but a selection of facts, his way of selecting, his attitude toward the facts, would have been a matter of grave concern and of inevitable controversy.

We do not claim any particular familiarity with the life of angels, yet we cannot help feeling that it may have been difficult for them to thrive in an atmosphere of controversy. It is so different with historians! For what is the justification for the publication of a new historical work? Its justification is that its author somewhere disagrees with his predecessors and differs in something from his contemporaries. It is this originality of the author that makes his work a contribution. But claims to originality are not likely to be left unchallenged. Originalities of an historian in anything but his grammar must after all be looked upon by fellow-historians as overt or implied criticism of their own respective viewpoints, statements, conclusions; and a flow of learned controversy is assured.

Whether we take these controversies seriously or not—*en masse*—they rather give one the impression that historical conclusions are not very convincing. It would almost seem that only complete lack of certainty could permit such an orgy of viewpoints, of conclusions, of constructions and reconstructions that daily swell the volume of a bewildering historical literature.

Even in his day Goethe looked with alarm at the ever-growing bulk of confused and confusing learning:

*Da Labyrinthe nun das Labyrinth verwirren
Was soll euch Adriadne sein!*

The situation has certainly not become simpler since Goethe's day. The vaster the literature, the greater naturally is the diversity of historical statements and conclusions—the greater is our perplexity. Ask what an historian at any given moment is doing, and he will tell you that he is rewriting history. His life is a life of incessant discovery, for no moment passes without his discovering that his predecessor has made a mistake, and his writings are in their turn a rich soil for similar discoveries by those that follow after.

Do not the errors of the historians have some common denominator? Is there no way of understanding the peculiarities of their work without assuming that the historians are the worst of all sinners, or that they are intellectually apart, below the ordinary level of academic scholarship? The philosophers, philologists, theologians and jurists, when dealing with definite historical problems, have not proved themselves one bit better than the average historian. It is therefore not fair to single out historians and regard them as handicapped by peculiar mental difficulties. The difficulty is not with the men, but with the subject; not with historians, but with history. True enough, even history as it is can easily be justified, if we look upon it with the eyes of a philosopher. We can look upon it as progressive truth, as the truth that the times are capable of grasping. The historian is then in a sense but an intellectual representative of his own times. That, of course, involves a constant reinterpretation of our past. I think that is Woodbridge's concept, and though he distinguishes between the record of facts and interpretation, he makes certain observations that take away from the "fact" its intrenched permanence and leave it wandering throughout history as a variable element. "A suspicion at least", writes Woodbridge, "has been created that it involves something more, namely, the recognition that the facts themselves 'evolved and acted' are also progressive. Historical facts are careers in time. It is their occurrence which is recorded and it is their career which is understood."¹

It is obvious that an historian is not dealing with a "fact"; he is dealing with its plural—with facts. He tells us a story. This story is a story of relationships of so-called facts. It is not the isolated "fact" that is history; it is the story of relationships. These relationships the historian introduces. It is his construction. In this process of construction he could not utilize the whole of life, even if he had a record of it; he nominates particles thereof as his material; by his nomination they become facts. He may choose not to appeal to certain particles of our past but to use other particles in his construction. The choice is the historian's, whether he knows it or not.

¹ F. J. Woodbridge, *The Purpose of History*, p. 28.

It is his choice that establishes them for purposes of history as relevant "facts". Furthermore, the weight of the fact—is it part of the fact or is it interpretation? Obviously from the standpoint of the interpretation the fact is assigned such and such weight. Even if the same "fact" is called upon to function in two different tales, its weight differs, and differing weight makes a different fact out of it; if the weight of a fact is reduced to zero, then the fact for a given historical structure is a fact no longer. Our interpretation, therefore, not only establishes the relationship between facts but affects the facts as well. This successive change of interpretation is what gives to the "fact" its historical career. But what is it that governs our interpretations? Our particular and specific interpretation of facts is governed by our attitude, which will indicate definite approaches and formulate corresponding interpretations, because our attitude, if consistent, will consistently mold our thinking.

It now becomes apparent how futile it is to follow up historical mistakes as such. The problem of history in the last analysis becomes a problem of thinking. Philosophers in dealing with thinking have distinguished the *form* of thinking from its content. As formal conditions of all thinking they have considered space and time and causation. This formal side of the thinking process gives form to all our thinking whatsoever the content of our thinking process may be. The philosophers who have looked for the general form-giving elements of all thinking have overlooked the specific form-giving element that gives definite form to all specific contents of our mental processes. The specific form-giver is our attitude. First of all, one cannot approach anything, no mental process is possible, without an attitude; secondly, this attitude will give a definite form to our mental process. The attitude as such, abstractly speaking, we have to consider as a formal condition of thinking. Since, however, the attitude may and often does have a definite content, we may call the attitude a *quasi-formal* condition of our mental process. Its "quasi" character in no wise affects its forming and fashioning function; it only qualifies its standing in systematic considerations. This form-giving sig-

nificance of the attitude affects not only historical thinking; it affects every intellectual effort. The new departures in the realm of physics and chemistry are not experimental gropings in a universal darkness, but rather do they express a new attitude toward the atom; and they do divide that which a former attitude named "indivisible". The change of former mechanical processes into electrodynamic processes also expresses but a different attitude. In the realm of so-called political science our so-called "social contract" theories and the teachings of our historical school of jurisprudence represent nothing but different attitudes; and the same, of course, is true of the divers schools of economic thought. The attitude gives to our thinking process its specific form and is the controlling element of that process, yet we are apt to have serious difficulties in incorporating the attitude in the staked-out province of formal logic. We are prone not only to distinguish but to separate considerations of our emotional life from the processes of our reason; the separation finds its expression in our separation of logic and psychology as distinct inquiries. But our attitudes are only too often purely emotional and these emotional attitudes control our thinking processes and use the tools of the mind and the material of the world for purposes of their own.

History exists not only as a separate variety of literature or of knowledge, but as an integral part of all our so-called social sciences: none of them is conceivable without reference to experience, and all our experience that belongs to our past belongs to history. This experience cannot be approached by history without an attitude which puts its construction upon the experience. If we appeal to this experience of ours, we are appealing in vain; for all that history can offer us are its constructions put upon the experience. In other words, every time that we appeal to factual relationships of the past all we get is the mentality of the historian or an assorted variety of such mentalities. The circumstance that in most cases the historian is unconscious of his attitude does not alter the situation.

It would therefore suggest itself that the study of this attitude is a matter of central importance. When we talk about studying something, the question at once arises: for what pur-

pose are we to study it, and just how are we to approach the new material of our new study—in other words, what is our attitude to be toward these historical attitudes?

Broadly speaking, we have first of all two alternatives—a detached view of a succession of attitudes, which we may view as representing intellectual tendencies of their times and therefore as representative of our intellectual movement. The second alternative is of a more definite and technical nature. We are conscious of the unsatisfactory condition in which our body of so-called historical knowledge finds itself and within the limitations that our mind imposes upon us may endeavor to improve that state of knowledge and its organization. Obviously we have to deal here with attitudes and factual constructions as our clinical material. We must try to find wherein the major difficulties manifest themselves and see how and to what extent these difficulties can be obviated.

This study of attitudes as an element of our thinking as well as the central material of history is indicated by other considerations. Abstractly speaking, we deal in history with two aspects of life: *change* and *continuity*. If it were not for constant change there would have been no necessity for history. On the other hand, continuity is also an object of factual experience. Our mental life, our institutions, our political situations do not begin *de novo* with every passing moment. But what does the element of continuity in a civilization represent? What does the continuity of its religion or its morals or its habits or its laws or its art or its science imply? Nothing else but the continuance—conscious or unconscious—of specific attitudes. The controlling significance of the traditional attitude of the masses has been sensed and accepted as a matter of course by innovators interested in bringing about some fundamental change as well as by conservatives hostile to any change.

The revolutionary never bothers with the rôle of the attitude in our mental operations, but his actions imply recognition of it. We therefore find as a prelude to great politico-revolutionary movements an attack on the fundamental attitudes of the masses. This prelude to the French Revolution was called the "Enlightenment." There was no necessity of distinguishing,

so far as the attitude of the masses was concerned, between church and religion, and both were attacked and condemned. To make grievances effective, war had to be declared on the attitude of submission, as well as upon the reverent attitude toward the traditional order of things. The German Revolution of 1848 was a lesser undertaking, but Ludwig Feuerbach and his associates were quite rightly considered the stormy petrels of that revolution. There is not a word of politics in Feuerbach's *Wesen des Christentums*, but in the preface to his *Sämmtliche Werke* he frankly emphasizes its political significance and his own political aims.¹ The same is true of "Nihilism" as a prelude to the Russian Revolution. The original "Nihilist" did not carry bombs in his vest pocket; he did not talk politics—his rôle was only to annihilate the traditional attitude. Read Turgenieff's *Fathers and Sons* and see what the original Nihilist did! It was not his cutting up frogs or his talking science that made him formidable, but his way of contemptuously invalidating all traditional authority. Turgenieff presents us in Basaroff with a colossal figure of a coming con-

¹ "Es handelt sich gegenwärtig, sagen sie, nicht mehr um das Sein oder Nichtsein Gottes, sondern um das Sein oder Nichtsein von Menschen; nicht darum, ob Gott mit uns eines oder andern Wesens ist, sondern darum, ob wir Menschen einander gleich oder ungleich sind; nicht darum, wie der Mensch vor Gott, sondern wie er vor Menschen Gerechtigkeit finde; nicht darum, ob und wie wir im Brote den Leib des Herrn geniesen, sondern darum, dass wir Brot für unsere eignen Leiber haben; nicht darum, dass wir Gott geben, was Gottes ist, und dem Kaiser, was des Kaisers ist, sondern darum, dass wir endlich dem Menschen geben, was des Menschen ist; nicht darum, dass und ob wir Christen oder Heiden, Theisten oder Atheisten sind, sondern darum, dass wir Menschen und zwar an Leib und Seel gesunde, freie, that und lebenskräftige Menschen sind oder werden. *Concedo*, meine Herren! Das eben will ich auch. Wer von mir nichts weiter sagt und weiss, als ich bin Atheist, der sagt und weiss soviel von mir als wie Nichts. Die Frage, ob ein Gott ist oder nicht ist, der Gegensatz von Theismus und Atheismus gehört dem achtzehnten und siebenzehnten, aber nicht mehr dem neunzehnten Jahrhundert an. Ich negire Gott, dass heisst bei mir: ich negire die Negation des Menschen, ich setze an die Stelle der illusorischen, phantastischen, himmlischen Position des Menschen, welche im wirklichen Leben nothwendig zur Negation des Menschen wird, die sinnliche, wirkliche, folglich nothwendig auch politische und sociale Position des Menschen. Die Frage nach dem Sein oder Nichtsein Gottes ist eben bei mir nur die Frage nach dem Sein oder Nichtsein des Menschen." — Ludwig Feuerbach, *Sämmtliche Werke*, vol. I (Leipzig, 1846), pp. xiv-xv.

queror bent on destroying the old world. What did Basaroff ruthlessly trample under his feet? Nothing but attitudes! All he was destroying was an attitude and all he was fighting for was another attitude: nothing more, nothing less, nothing else.

When taunted and asked what he alone could accomplish with his Nihilism, his denial of all traditional attitudes of the vast masses, his reply was that one can set Moscow afire with a penny candle and that one cannot build before one clears the ground for a new building. Turgenieff's hero did not talk politics, but no one could fail to appreciate the significance of the revolutionary's assault on the entire framework of old Russia. Nor was practical appreciation of the basic significance of a mental attitude limited to revolutionaries. Permit me to quote from a Russian conservative writer, K. N. Leontieff, a frank and outspoken defender of Russian autocracy. His association of ideas is certainly interesting.

Prepare, prepare the future! Send immediately anatomical atlases to the public schools, so that the children of the peasant, these citizens of the beautiful future, may learn soon that there is no soul in a man, and that everything is nerves and nerves—and if there is nothing but nerves—why should they go to confession or obey the policeman? . . . Oh, refined, slow poison is more terrible than fire and sword!¹

From such citations we may infer that in social life men consciously act as if unconsciously assuming that the continuance of the traditional political institutions rested upon the continuance of a mental attitude.

Such an inference leads us to consider the question as to the extent of that sphere of life and of history in which historical continuities as factual situations are nothing else but continuities of mental attitudes. We are talking here about attitude and continuity—but both concepts are used in two different senses and have therefore two different meanings. An attitude may be a form of our thinking or it may be the historical

¹ K. N. Leontieff, *Vostok, Russia i Slaviansko* (Moscow, 1885), vol. II, pp. 43-44.

material that we are studying. Precisely the same is true about so-called continuity. Continuity may be regarded by us as a continuous practice or a continuous way of thinking by a people and studied by us as historical material, but "continuity" may also be our own mode of approaching phenomena, our own attitude toward handling historical phenomena—that, of course, is an entirely different proposition.

To confront continuity as a "fact", in some way or another, and to think of historical facts in terms of continuity, are two widely differing mental processes. In the first case we are not dealing with breaks of continuity or with drastic changes—for they do not represent to us continuity, but the opposite thereof. In the second case, where we are dealing with facts of history in terms of continuity, we are approaching breaks and changes with a definite scheme of organization. We are forced to view them in terms of continuity and to do so we are very apt to emphasize the shell of continuity and overlook its kernel, whose very meaning and very essence is the *break*. To illustrate the point: Wellhausen in the fourth edition of his *Israelitische und Jüdische Geschichte* told us that "Micah VI, 6–8 and Psalm LXXIII, 23–28 give us the complete Gospel."¹ And he was therefore of the opinion that Jesus' teachings contain nothing that is new. He modified this statement in subsequent editions. Though the particular statement was omitted even in the fifth edition, he limited the originality of Jesus to a capacity for selecting what was true and enduring in Pharisaic Judaism, on which he laid the utmost emphasis. This statement also did not seem to satisfy Wellhausen, for it was deleted in subsequent editions. We find this scholar, perhaps the greatest literary historian of the Old and New Testaments, so uncertain as to the teachings of Jesus in their relation to the doctrines of Pharisaic Judaism, that in the seventh and eighth editions the chapter on the Gospels is introduced to us with the author's amazing statement: "I have left this chapter as it stands though I agree only with part of what is there said."²

¹ J. Wellhausen, *Israelitische und Jüdische Geschichte* (4th ed., Berlin, 1901), p. 390.

² For comparison of the various editions cf. J. Clausner, *Jesus of Nazareth* (New York, 1925), p. 94.

We are obviously confronted by mental troubles and difficulties on the part of a distinguished scholar. The difficulties arise from a conflict of attitudes. He follows the historico-genetic method as a matter of course. Otherwise what sense is there in finding dubious equivalents of the Gospels in some texts of Micah and in a Psalm? He looks at ideas in terms of their past, or rather what he considers their past. But if one approaches things in terms of continuity it is only the continuity that one sees, even where the continuity is irrelevant. It cannot be otherwise, for our approach means that we are thinking in terms of continuity, hence it is continuity we are looking for, and our mental process will inevitably produce continuity. The moment we start to think just how and where the teachings of Jesus represent a continuation of the teaching of the Scribes and Pharisees, that very moment we cease to deal with, cease to see or comprehend what was unique in Jesus or peculiar to him and him alone. Our mind establishes a continuity by finding an approximate common denominator—and a certain unity is established by creating a Pharisaic Jesus. The uncertainty and vacillating attitude of Wellhausen, his utter inability to rest on any one of his conclusions, only does him credit. It indicates that as an intellectual entity he is too sensible to accept the conclusions of his specific historical attitude.

We find precisely the same conflict even in the greatest historian of our own generation—Eduard Meyer. Here the conflict expresses itself in outright contradictions. In his last work on the *Origin and Beginnings of Christianity*, Meyer also tells us that "the religious world view of Jesus is entirely that of the Pharisees."¹ The question therefore arises, what is it that characterizes the Pharisees? Meyer fully recognizes their zealous devotion to the traditional law, which to them was not only the law and Prophets but the traditional interpretations, additions and regulations of their theologians.² Openly to disregard

¹ "Das religiöse Weltbild Jesu ist ganz der Pharisäer."—Ed. Meyer, *Ursprung und Anfänge des Christentums*, vol. II (1921), p. 425.

² "Der aramaäische Name Perišaie, *פרישאים*, mit dem sie bezeichnet werden, bedeutet 'die Abgesonderten, Getrennten.' Gewöhnlich erklärt man das als die 'Separatisten', die sich von der Masse des Volks—die im Talmud in Gegensatz

and attack these interpretations and traditional additions to the law and at the same time to be a Pharisee is impossible, for what constitutes a Pharisee is his zealous observance of them; to consider the law itself as antiquated, to revise it, to speak with authority not derived from the letter of the law—and be at the same time a Pharisee—is unthinkable. And yet Eduard Meyer by identifying Jesus' religious world with that of the Pharisees would seem to accomplish the impossible and the unthinkable. Meyer could have remained consistent by completely failing to understand Jesus; but Meyer is considerably more than a great academic scholar, he is an intelligent man and hence he is forced into hopeless contradictions. Jesus' mental outlook is that of the Pharisees, but he tells us in the very same chapter that "what lifts him [Jesus] far above all his Jewish predecessors is the inner freedom from the Law that he won for himself."¹ In another place he tells us of Jesus' teachings that all that matters to him is the inner attitude.²

We are not engaged here in showing up Meyer's mistakes. We have selected a man whom we believe to be the greatest living historian. To take lightly Meyer's contradictions and mistakes in his serious historical works is hardly warranted. His contradictions and inadequacies are due to his approach, to his historical attitude that gave his thinking inevitably a form which his deeper intellectual insight could not well accept and which only contradictions could modify.

If our mental process is controlled by conflicting attitudes, the conflict will express itself in contradictions. But where there is no conflict and no contradiction on the printed page, the result is not necessarily better. If we are to continue to use as an illustration the historical relation of the teachings of Jesus to traditional Judaism—the work of our own great

zu ihnen verächtlich als *am hares* 'Landvolk', 'Pöbel' bezeichnet wird—durch peinliche Beobachtung des Gesetzes und vor allem der durch ihre Kasuistik bis zu den äussersten Spitzfindigkeiten entwickelten Reinheitsgebote absondern."—*ibid.*, pp. 283-84.

¹ "Was ihn weit hinaus hebt über alle Jüdische Vorgänger ist die innere Freiheit, die er auch dem Gesetze gegenüber gewonnen hat."—*ibid.*, p. 431.

² "Nur auf die Gesinnung kommt es an."—*ibid.*, p. 428.

scholar and eminent historian of Christianity, Arthur McGiffert, is a good example. He deals with the same subject in the first chapter of his book, *The God of the Early Christians*. There are no contradictions there. It is consistently thought out in terms of continuity, and as McGiffert's attitude is the same as Wellhausen's, so are his conclusions: "Jesus was a devout and loyal Jew, and the God whom he worshipped was the God of his people Israel—the God of Abraham, Isaac and Jacob. He was not a theologian or a philosopher."¹ In summing things up McGiffert comes to the conclusion that "his uniqueness, so far as his teaching goes, lay not in the novelty of it, but in the insight and unerring instinct with which he made his own the best in the thought of his countrymen."²

It may be said that continuity can be differently conceived; it may be questioned whether it is really necessary from the point of view of historical continuity to make out of Jesus a Pharisee or to deny him any original insight. But for the time being let us consider such questions as beside the point. What matters is not what could be done—but what is done, what our mental attitude actually does.

Frankly, this superior historical method is in its vital elements inferior to our old-fashioned literary history, that we all so gladly read and sometimes so gladly abuse. The literary historian looks at things as we see them in the workaday routine of life; from the historico-genetic standpoint we do not seem to look at life in such a simple way. In other words, the genetic attitude runs contrary to our existential way of seeing things. This existential way of seeing life is based on the sum total of our life's experience, human, racial and personal, with which we are endowed and with which we meet problems of our own life and understand the problems of others. One of its peculiarities is our absorbing interest in the present, and our carefully watching what is in front of us. The intellectual residue of the past is unquestionably in us, but it is being con-

¹ Arthur C. McGiffert, *The God of the Early Christians* (New York, 1924), p. 3.

² *Ibid.*, p. 21.

stantly transformed by exigencies that we are confronting. History written in terms of our own way of seeing and understanding things may indeed be a rather fanciful creation, may be vulnerable in ever so many points and invite severe criticism, but such history does not crumble under its own weight. From the point of view of historical truth it is a possible construction. It has to be! To pass as "history", a construction must be plausible. The man of letters, because he draws on his imagination, must give to his work the appearance of being drawn "from life." The literary historian has to be a literary artist, he cannot hide himself behind science, nor can he take refuge in philosophy. He is called upon to visualize actions within the flow of historical life and he is obliged so to model and arrange his material that it may have the qualities consistent with life as sensed by the historian and his generation. The historian has documents, but what does the historian do with the documents? He restates them, he translates them in terms of experience. He never bothers with the question of what life is or what experience is, but his attitude is to think, to feel, to express things in terms of our experience, to depict things in hues and shades and tones in which we ordinarily see life.

What is the characteristic of all good literature? What gives quality to a novel or a drama? Its situations and its characters become real to us, their actions become convincing to us, by conforming to life as we know it; the psychological reactions become intelligible only by corresponding to life's experience, with which we are familiar. Our great masters of literature did not get their knowledge of life from historical documents, they got it from documents that remained unfiled and unrecorded—they got it from life itself, from experience and their own appreciative and understanding minds. The same is true of the literary historian of distinction—he deals with the historical documents but brings to bear upon them all the experience of his life and his way of understanding it.

The literary historian cannot claim infallibility, but what he can claim is that he has given to historical material a form which is "true to life." He has infused the breath of life into

his material, he has made the historical actions coherent. His pages are intelligible because his own creative intelligence has made the historical actions conform to the common source of all human intelligence—common human experience. His story is tenable, plausible, convincing, till some other historian tells as convincing or even a more consistent story. Some other historian is sure to do so, for he can see things quite differently and tell a quite different story by viewing things from a different angle, by looking at things in a different light.

The faults of this literary type of history we all know but let us also recognize its distinguished merits. Let us admit that this frankly unscientific history actually establishes standards for any type of history. The purpose of any historical construction is to make the particular event or movement understood in terms of general human experience and its aim is the maximum of plausibility. Let us for the time being be simple-minded enough to assume that historical objectivity is one of the main passions of our soul, in which case the "maximum of plausibility" standard gives us a measuring stick for the various historical approaches.

The approach that deserves our utmost consideration is the genetic approach which gives history the form of continuity. The achievements of this school of thought are great. It rescues history from being a mere collection of unrelated incidents and accidents. That is why brilliant minds in the field of history pay it unstinted tribute. Thus James Harvey Robinson tells us: "History, in order to become scientific, had first to become historical."¹ Robinson elucidates it in a remarkable chapter, from which we can quote but a few lines.

The doctrine of the continuity of history is based upon the observed fact that every human institution, every generally accepted idea, every important invention is but the summation of long lines of progress, reaching back as far as we have the patience or means to follow them. The jury, the drama, the Gatling gun, the papacy, the letter S, the doctrine *stare decisis*, each owes its

¹ J. H. Robinson, *The New History*, p. 62.

present form to antecedents which can be scientifically traced.¹

. . .

Now—and this cannot be too strongly emphasized—the continuity of history is a scientific truth, the attempt to trace the slow process of change is a scientific problem, and one of the most fascinating in its nature. It is the discovery and application of this law which has served to differentiate history from literature and morals, and which has raised it, in one sense, to the dignity of a science.²

We have already emphasized the difference between continuities that are dealt with as factual material, and a doctrine of continuity or a “law” of continuity as an historical attitude. If the object of history is to record the changes, to understand why the changes have taken place, the “law” of continuity as an historical attitude may not prove very helpful. By focusing our attention on the genesis, this attitude does not help us to see the purport of the change. Since we cannot genetically see the purposes of a change, the historico-genetic attitude lets a series of successions take the place of “understanding.” But the greatest difficulty the genetic attitude encounters is in dealing with beginnings, for it is impossible to see or to explain beginnings in terms of succession or continuity. Even its minor difficulties are serious. One of our existential experiences is that we are moving from the present to the future, not to the past. We are moving onward, not backward. It is also quite certain that our eyes are in the front of our heads and not in the back of them. Thus it happens that when we walk—and we walk forward—we see what is in front of us and our movements are determined by what we see.

The historico-genetic attitude makes the historian look backward. To establish the genetic relationships he focuses his sight and attention upon the antecedents of our institutions, of our thoughts, of our actions, on their onward march in their historical procession. Consequently his sight and attention are not focused at the same time upon what these institutions,

¹ *Ibid.*, p. 64.

² *Ibid.*, pp. 64-65.

thoughts and actions confront. If we should, for instance, try to understand the philosophical system of Schelling or Hegel, can we explain these systems by emphasizing the fact that Kant was close behind them? Will it help us to look upon them in terms of continuity? They represent an antithesis, not a continuity, and their antithetic positions can only be understood by seeing what they saw in front of them, not back of them. Only by understanding their reactions to what they have seen, their fears and their hopes, can we really understand the passionate motives of Schelling's genetic philosophy, as well as the intimate political setting of Hegel's dialectic process and his *Theodicy*. The molding of their philosophies, their organizations, cannot be explained by antecedents; while on the other hand their passionate aims, conditioned of course by the situation in which they found themselves, enable us to understand and appreciate why they viewed the world in the way they did and what immediate purposes their world views served.

Studying the type of vision that our historico-genetic attitude affords, one comes to the further conclusion that it gives a very inadequate view of so-called antecedents as well. For the antecedents, too, in their particular situations had their living functions. They did not exist for the purpose of becoming antecedents! Nor are their functions in their day explained to us by what preceded them in bygone ages.

The negative, as well as the positive, contributions of this historico-genetic attitude are so great that we shall have to give it much more detailed consideration.¹

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¹ This article is an introduction to a series of studies which will appear in future numbers of the *POLITICAL SCIENCE QUARTERLY*.

BLANQUI AND COMMUNISM

IT is a commonplace, admitted by all except the "scientific" historians, that each generation writes anew its history, re-selecting the facts and altering the emphasis, in accordance with changing interests and ends. This is as true in the history of socialism as elsewhere. Since the Russian Revolution we have seen the increase in magnitude of certain supposedly obscure nineteenth-century revolutionaries and the decrease of others. The historical importance of no one of them, probably, has changed more than that of L. A. Blanqui. In France and in Russia a long list of books has been written during the last ten years, discovering in Blanqui a thinker of considerable importance, and the connecting link between Babeuf and Bolshevism.¹ His few published works have been fished out of forgotten hiding-places and his relation to the Revolution of 1848 and to the Paris Commune newly studied.

The historians of nineteenth-century socialism had assigned to Blanqui a minor position. To them his greatest achievement, possibly, was the giving of his name to a Parisian boulevard, or perhaps his election to the Chamber of Deputies in 1879. The Blanquist party in France had never consisted of more than 2,500 members. He was chiefly known as one of the prominent radical republicans of 1848 and as the leader of two or three rather ridiculous attempts to seize power with a handful of followers, notably in 1839 and 1870. His most

¹ In French: Suzanne Wasserman, *Les Clubs de Barbès et Blanqui en 1848* (Paris, 1913), a careful historical account; Charles Da Costa, *Les Blanquistes* (Paris, 1912), a good description of the Blanquist party in the sixties; Alexandre Zevaès, *Auguste Blanqui* (Paris, 1920), a long but very superficial book; Maurice Dommanget, *Blanqui* (Paris, 1923), the best treatment of Blanqui's ideas. In Russian, among others: Goryev, *Auguste Blanqui* (Moskva, 1921); Velichnika, *Blanqui* (Moskva, 1921); Gustave Geffroy, *Blanqui, evo jizn i revoliutsionnaia deatel nost*. Recent translation from the French: Zevaès, *Blanqui* (1922). In addition the numerous books on the Paris Commune which have come out in recent years all give considerable space to Blanqui.

important work, *La Critique Sociale*, a posthumous, two-volume collection of short essays and aphorisms, assembled by the pious hand of a disciple, was rarely if ever read. Marx and Engels, his most prominent socialist contemporaries, had for him only a moderate respect. The estimate of Blanqui by the latter is typical of socialist opinion before the Russian Revolution:

Blanqui is really a political revolutionary, socialist only in his emotions, sympathizing with the suffering of the people, but without a socialist theory or definite, practical proposals for social reform; in his political activities he was essentially a man of deeds, and of the opinion that a small, well organized minority, which strikes at the right moment, can carry with it the mass of the population and thus consummate a successful revolution. . . . One sees that Blanqui is a revolutionary of a past generation.¹

What is *the just* evaluation of the historical importance of Blanqui? Such a question is a little absurd. I shall content myself in this paper with an attempt to answer a more modest question: what is the position of Blanqui as a forerunner and representative of what is now called communism?

Before the Russian Revolution it would have been impossible to give a definition of communism or to distinguish it from socialism. Or rather, there existed a bewildering number of varying and contradictory meanings. As is well known, communism and socialism exchanged positions a number of times between 1848 and the end of the century. At the time of the *Communist Manifesto*, the term "socialism" was used to describe a large collection of utopian proposals and was opposed by Marx and Engels to their own scientific, revolutionary brand of "communism". Later on when international socialism had, in a general way, defined its principles and organized its adherents, "communism" was usually used to describe the beliefs of certain small sects of voluntarists, generally religious, or the position of certain anarchist-communists such as Kropotkin or Reclus. And now, the term "socialism" having been disgraced, according to Russian communists, by the ac-

¹ *Program der blanquistischen Kommune-Flüchtlinge*, Volkstaat, 1874, no. 73.

tion, or inaction, of the Second International during the war, "communism" must be rescued from the hands of unimportant sectaries and be given the significance of 1848.

Laski, in his little book on communism, describes it as "at once an ideal and a method". The distinctive characteristic of communism, however, is to be found in its method, its revolutionary strategy. The ideal of communism is apparently no different from the ideal of socialism. The Second International and the Third International, at one another's throats on questions of political tactics, harmoniously agree on the nature of the inevitable society to come. In the popular mind communism is identified with a body of revolutionary strategy, and the communists themselves have countenanced this interpretation. At one time the vaguest of social ideals, whose votaries ranged from the mildest of evolutionists to the hardest of revolutionaries, communism has come to signify a narrow set of tactical methods developed and applied by the Bolsheviks. At one time the most ideally "constructive" of utopian dreams, it has become the most "destructive" of practical policies. It has drunk deeply of the waters of Russian nihilism. Needless to say I am not talking of the policies, political or economic, of Soviet Russia. No one either inside or out of Russia pretends that this is communism. The communism of the Third International and of the communist parties of Europe has come to stand for something identical with Bolshevism or Leninism. This is perhaps a misuse of terms, but it is a misuse which has received the sanction of general consent.

The body of revolutionary theory known as Bolshevism, expounded in *Iskra*, enunciated by the majority of the Russian Social Democratic Labor Party in 1903, developed and tested in the revolutions of 1905 and 1917, was molded by the hand of Lenin.¹ To him the theory represents an interpretation of Marx,² but Kamenev and Stalin, among others, more rightly regard it as an addition to Marx. As the former has said:³

¹ The best account of the history of the party and the ideas of the party is to be found in Zinoviev, *Istoria Kommunisticheskoi Partii* (Bolshevikov).

² See his *State and Revolution*.

³ See L. Lawton, *The Russian Revolution—1917-1926*, p. 27.

Two chapters are missing from Marx, one showing how the Socialist Revolution is made, the other describing the position of the working masses on the day following their assumption of power, and the problems they would be called upon to solve. These problems [chapters] were written by Lenin, not only in books but in life itself.

The interpretation of Leninism offered by these gentlemen is today called into question, but the essential characteristics of Leninism or Bolshevism as a revolutionary method are beyond dispute. It will be the purpose of this paper to inquire into the relation between the revolutionary thought and method of Blanqui and that of Bolshevism.

There is an extraordinary unity in the life of Blanqui: a blending of thought and action, a singleness of purpose and a monotony of experience which makes of him a figure clear-cut in its significance.¹ He alternated between a life of enforced meditation, in prison, on the evils of society and, when at liberty, a feverish, usually secret political activity designed to end these evils. A sombre, morose, *farouche* and solitary man, he gained and kept his followers by the strength of his purpose and the intensity of his determination rather than by any such personal charm as that which drew disciples to Bakunin. He wasted little time and energy on questions other than those immediately connected with his ends,² and these ends were conceived in terms of political activity here and now. Yet in his writings he established a certain justification for his actions, a body of thought which merits consideration from those interested in the history of radical political and economic theory. Benoit Malon is in a certain sense right in describing Blanqui

¹ The best biography of Blanqui is that of Gustave Geffroy, *L'Enfermé* (Paris, 1897). For two short contemporary biographies see Charles Hippolyte Castille, *L. A. Blanqui* (Paris, 1857), and E. de Mirecourt, *Blanqui (Les Contemporains, No. 91)* (Paris, 1857).

² During the ten-year period of his last imprisonment he threw together his meditations on astronomy into a small book called *L'Éternité par les Astres*, part of which was published in a scientific review. Apart from this, practically all his writings, manuscript as well as published, deal entirely with the question of social reform as he envisaged it.

as a synthesis of revolutionary Babouvism and scientific socialism.¹

Blanqui's revolutionary theory in its barest outlines may be put very simply. The attainment of a communist society, the ideal order, must be the work of enlightenment.² The evils of our present organization are only the product of ignorance, an ignorance maintained and fostered by certain groups, notably the church, the state and the capitalists, or property owners, interested in perpetuating their privileged position. It must be the task of the revolution in seizing power to crush these anti-social groups during the time necessary for the illumination of the people. For this is necessary a relatively small group of intelligent and forceful men working in the interest of the proletariat. It will be impossible during this period to utilize the machinery of democracy, since the mass of the people, trained to respect its oppressors, is not in a position to know where its interest lies. Once this process of education has been accomplished, the dictatorship of the minority can cease, and society be left to develop its own institutions.

One finds in Blanqui's thought a thoroughgoing rationalism joined to a thoroughgoing environmentalism. It is perfectly possible by the use of the reason not only to understand the universe and society and the laws which describe the action of phenomena therein, but to discover the best possible social order and to devise the means of attaining it. There is no Marxian acceptance of whatever is as necessary, no tendency to wait for the movement of history to usher in the desired and inevitable order. The desired order is anything but inevitable; the mind and the will are necessary to seize it.

¹ *Revue Socialiste*, vol. II, p. 597 (1885).

² There is no good study of Blanqui's ideas. The best is that of Maurice Dommanget (Paris, 1923). But neither this nor other studies appears to have used the manuscripts of Blanqui, deposited by his friend Ernest Granger in the Bibliothèque Nationale. They are catalogued there under "Manuscrits français, Nouvelles Acquisitions, 9578-9598," and consist of twenty-one packages of very finely written manuscript; letters, essays and notes thrown together in considerable confusion. These documents have been used by Geffroy in his biography and by Suzanne Wasserman in her study on the clubs of Barbès and Blanqui, but, so far as I am aware, no one writing on the ideas of Blanqui has made use of them.

There is no evidence¹ that Blanqui had read or was at all familiar with the work of Marx, though they were almost exactly contemporary. He spent some months in 1857 in London, where Marx was busy working on *Capital*, but there is no mention in his letters or manuscripts of having visited Marx. On the whole this is not very surprising, for Marx, in spite of his writings on the Revolution of 1848 and on French politics in the fifties, was relatively unknown in France until after the Commune. The association in the minds of the French conservatives of the First International with the Commune, and Marx's striking pamphlet, *Civil War in France*, made him a well-known figure after 1871; but at that time Blanqui was out of politics, safely ensconced in a prison cell, speculating on the movement of astronomical bodies.

Marx, however, was thoroughly familiar with the activities of Blanqui, and after 1871, when the Blanquists, driven from Paris, took refuge in London, he had occasion to become more closely acquainted with Blanqui's ideas. Blanqui was to Marx a true leader of the proletariat, and appeared as such in the Revolution of 1848.² In Marx's studies on the revolutionary movements in France illustrative of his philosophy of history, Blanqui is the most striking and typical leader of the emerging French proletariat, defeated in its first weak attempts at class revolution in 1848 and 1871, but destined inevitably to triumph.

Engels suggests² that the main reason the Blanquists in the Commune did not accomplish more in the way of socialist reform was that they were unacquainted with "German Scientific Socialism", that is, with Marx and Engels. Whether or not this is so, it is true that Blanqui was entirely French in his socialist tradition and quite unacquainted with his foreign contemporaries.

As a rationalist and environmentalist, the necessary means of progress, of revolution, appeared to him to be education, the application of the reason to those questions which had thus far escaped the domain of science. His published writings and his manuscripts form one long plea for enlightenment, one long

¹ Marx, *18th Brumaire*, p. 19.

² Engels, *Civil War in France*, introduction.

diatribe against those groups which in their own interest made a mockery of education. "There is no durable revolution, without light! There is no emancipation without intelligence for a foundation! Liberty means instruction! Equality means instruction! Fraternity means instruction! Teachers, books, the printing-press, these are the true revolutionary agencies."¹ When Lafargue brought to Blanqui his tract on *Mutualisme, Collectivisme et Communisme* the latter heatedly, and somewhat unkindly, cried, "All this discussion of the probable forms of a future society smacks of revolutionary scholasticism. It is more necessary to write a criticism of primary instruction."

Blanqui's view of history envisages the idea as being the sole engine of progress. It is needless to say, in the light of Blanqui's intellectual heritage, that he was a progressist and perfectionist of the deepest dye. Every advance which mankind has made has been the product of human reason, every relapse the result of the imprisonment of reason. "No," he asserts, "it is not manual dexterity, it is the idea alone which makes the man. The instrument of deliverance is not the arm, but the brain, and the brain lives only by instruction."

At the dawn of history, before mankind had proceeded far in its discovery of the laws of nature, there was no golden age, but the reverse. Blanqui denies the existence of a primitive communism. Communism is the supreme product of the human intelligence and must constitute the last stage of human development. The first human beings lived in a state of war; there was no possibility of coöperation.²

Communism is not . . . an unformed chaos, the confused syncretism of the first ages of humanity; it is the last word of the social science, the ideal of the future.

It is false that communism has ever been the infancy of any society whatsoever, and that the lower human groups are placed in the scale of civilization, the closer they approach communism. These assertions are the direct opposite of the truth. The whole of history stands in permanent contradiction to them.³

¹ MSS. Liasse I, Cahier B 3°, p. 84.

² Blanqui, *La Critique Sociale*, vol. II, p. 68.

³ Blanqui, MSS., March 13, 1869, notes on an article of Liasse VII.

And again, "In every time and in every country, individualism formed the first cradle of society. Its reign was that of ignorance, of savagery and bestiality. . . . All social progress is the consequence of its defeat, the encroachment of communism upon its domain."¹

The progress of the cultivation of the intellect in the direction of communism has been interrupted only by movements whose significance lay in the obscuring, the mystification of the intellect. Such a movement was Christianity, and a large part of Blanqui's writing was directed against religion and in defense of atheism.

Thrown between two civilizations, the one at its death bed, the other in its cradle, Christianity, hating the first, killed it in an act of parricide, and in turn perished at the hands of the second, heir and revenger of its predecessor.

Between the two, its true reign ; the middle ages, barbarism.²

It is essential to know something of Blanqui's views on the importance of education and the rôle of the idea in history in order to understand his justification of his revolutionary method. The admitted ignorance of the proletariat excludes the possibility of its playing an important revolutionary rôle as a class. For a certain section of the proletariat, however, the enlightened industrial workers of Paris, this rôle is important. But the real leaders of revolution spring from the bourgeoisie; they are educated *déclassés* working in the interest of the proletariat. Liberal and democratic institutions, based as they are on the assumption that the average man is intelligent enough and informed enough to know his own interest and that of his class, are an impossibility in a society in which the vast mass of the population, the proletariat, is in ignorance. Those institutions which pass as liberal and democratic in modern society are simply creations, in its own interest, of a minority. It follows that a dictatorship of *déclassés* and the enlightened proletariat, working in the interests of the mass of the population, is the revolutionary method called for. But it is neces-

¹ *Ibid.*

² MSS. Liasse I, Cahier B 2°, p. 140, September 2, 1858.

sary to enlarge upon and explain the separate parts of this theory which have been stated above in a form more succinct and clear-cut than that employed by Blanqui.

French socialism has always been more a product of the large cities than the socialism of any other country, with the possible exception of Russia. Sombart¹ explains this by the presence of an "*überfeinerte*" populace in all stages of decadence, possessed of an arrogant belief in its capacity and right to rule. Whatever the truth of this generalization as applicable to the whole of French socialism, it is largely valid as regards the socialism or communism of Blanqui and his followers. He is never tired of contrasting the intelligence and enlightenment of the Parisian proletariat with the ignorance, not to say bestiality, of the peasantry. It is evident in questions of religion, in economics and in politics. "*La féroacité du spiritualisme, la tolérance du matérialisme, chez l'un, l'ignorance, la bestialité, l'abrutissement, l'égoïsme farouche, la prédominance des appétits matériels; chez l'autre, l'intelligence, la lumière, l'élévation de l'esprit et du cœur.*"

"*Le paysan bas-breton et l'ouvrier de Paris, types.*"²

The spread of education and a capacity for self-government he terms the "Parisification" of France.³ He is thoroughly against the proposals of decentralization in France, for he thinks them an attempt of the reactionaries to escape from the growing influence of Paris.⁴ Paris is the city of revolutions, which is, for Blanqui, the same thing as saying that it has demonstrated its capacity to rule. Once the "Parisification" of France has taken place we shall see "the voluntary abdication of Paris in favor of its children come to their majority"; we shall see "its maternal joy in the virility of its intellectual sons".⁵ Until this time has come, the cause of progress will be furthered by the dictatorship of this enlightened element of the French proletariat.

¹ Sombart, *Proletarische Sozialismus*, vol. II, p. 378.

² *Ni Dieu, Ni Maître*, no. 14, December 3, 1880.

³ MSS. Liasse I, Cahier B 3°, p. 231.

⁴ *Ibid.*

⁵ *Ibid.*

Blanqui's revolutionary activity never extended beyond the confines of Paris, nor was he ever, except under compulsion, outside this city of revolutions. The Blanquist party at its height, in 1867 or 1868, was a group entirely Parisian in its constitution, whose heroes were the leaders of that first Commune in Paris which had for a time imposed its will upon France. In 1848 he protested against an appeal to universal suffrage which could result only in the destruction of the power of the Parisian republican proletariat and its transfer to the provincial conservatives. The Commune of Paris of 1871 was ostensibly a movement toward federalism and decentralization in France, but to the Blanquists in the Commune it represented an opportunity of seizing power not to the end of governing Paris but to the end of dominating France.

Not only was Blanqui convinced of the impossibility of revolution by the proletariat as a class; he held also that the driving force, the leadership, of revolution must rest in the hands of the bourgeoisie. And the reason is simple: here are to be found the men of ideas and of education. Blanqui is one of the few nineteenth-century socialists willing to recognize the importance of bourgeois leadership in European socialism, and it is distinctly to his credit.

The bourgeoisie includes an *élite* minority, an indissoluble group, nervous, ardent and full of zeal; it is the essence, the soul, the life of the Revolution. It is the incandescent source from which spring incessantly ideas of reconstruction, stirring and exciting the masses.—Who has planted the flag of the proletariat? Who has rallied it after its defeats? Who are the promulgators, the apostles of doctrines of equality? Who leads the people to battle against the bourgeoisie?—The bourgeoisie itself. They will cease only after having led the Revolution to the victory of Equality. But what is the device on its banner? Democracy? No—the proletariat. For its soldiers are workers though the leaders are not.¹

And the element of the bourgeoisie which will provide this leadership is composed largely of the *déclassés*, those, as Som-

¹ MSS. Liasse II, p. 150.

bart says,¹ whose position is the result of their socialism and not the cause. Flocking to the cities in large numbers, these members of the bourgeoisie, unwilling to continue or incapable of following the traditions of their class, furnish a powerful support to the socialist movement. And in Paris, quite naturally, their importance has been and is considerable. As Blanqui puts it:

Thousands of the *élite* live in conditions of extreme misery. They shock and horrify the capital. And the capital does not deceive itself in its hate of them. These *déclassés*, invisible agents of progress, are today the secret ferment which sustains the masses and prevents them from sinking to a condition of impotence. Tomorrow, they will be the reserve force of the Revolution.²

The Blanquist party itself was composed principally of members of the bourgeoisie, radical students of the schools of Paris, young advocates, and journalists. Blanqui's favorite disciple, Tridon, was an unimportant journalist, the author of two or three pamphlets on the figures of the first Commune of Paris. Another, Ernest Granger, possessed a small patrimony which he expended in purchasing weapons for the unsuccessful attempt at revolution on August 14, 1870. Rigault and Ferré, the two most notorious Blanquists in the Commune, were both students. To this bourgeois majority were joined perhaps a few hundred radical Parisian workers. The Blanquist party was to consist of leaders, bourgeois for the most part, who would find their support from the rank and file after the revolution had been initiated.³

The revolutionary activity of the Parisian proletariat, assisted and led by the radical bourgeoisie, had as its end the establishment of a dictatorship in the interest of the proletariat. To rely upon popular elections and to attempt to work within the machinery of bourgeois governmental forms is to abandon the

¹ Sombart, *op. cit.* vol. II, p. 150.

² *La Critique Sociale*, vol. I, p. 219.

³ See on the Blanquist party Charles Da Costa, *Les Blanquistes*. Da Costa was a disciple of Blanqui.

revolution. We have already seen how in 1848 Blanqui condemned the appeal to popular suffrage on the ground that sixty years of oppression and of training in the catchwords of conservatism had rendered the people incapable of self-government.

In the cities, the working class, accustomed to the yoke by long years of oppression and misery, will either take no part in the election or will be led to it by their masters like blind beasts. In the country, all influence is in the hands of the clergy and the aristocrats. The people does not know. It is necessary that it should know. This is not the work of a day or of a month.—The elections if they take place will be reactionary.—It is a sacrilege to make lie for their own safety, millions of men; to tear from their inexperience the sanction of their slavery.¹

In the existing state of society the issue of democratic procedure could only be a government of incompetents at best, composed of those who best knew how to play upon the prejudices of the ignorant masses. This suspicion of and antagonism to popular assemblies was shared by Blanqui's followers. In 1871, as soon as the Commune of Paris was established, the Blanquist members planned to introduce a resolution which would suspend all democratic forms, appoint a committee of public safety and militarize the Commune until the government of France had been overthrown.² They desisted only because of the realization that there was no hope of carrying this measure through the Commune assembly itself.

These are the elements of Blanqui's revolutionary tactics. As one sees, they are in the best communist and anti-democratic tradition. So far as revolutionary tactics go there is little difference between Babeuf and Blanqui or between Blanqui and modern communism. What difference exists is to be found in the slight adaptation of the general theory to particular conditions. Blanqui modified the theory of Babeuf to fit the revolutionary milieu in Paris, in which he worked. His indebtedness to Babeuf is pretty clear. In 1828 appeared

¹ Dommanget, *op. cit.*, p. 70.

² Gaston Da Costa, *La Commune Vécue*, vol. I, p. 327.

Buonarotti's *Conjuration des Égaux*,¹ and through Buonarotti the ideas of Babeuf were transmitted to a whole group of radical republicans, Blanqui included. In the thirties he came into close contact with Buonarotti in the various secret societies with which they were mutually connected, and received from the lips of the sole living survivor of the *Égaux* the revolutionary tradition of Babeuf.

But to this teaching Blanqui added the conception of a class struggle. To him revolution was in the interest of the proletariat and not of the social ideals which motivated Babeuf. With nothing of the sociological interests or analytical capacity of Marx, he never defined what he meant by a class in general or by the proletariat in particular. But he clearly opposed the interests of the working class to the interests of the property-owning class and conceived the ends of revolution to be entirely connected with the emancipation of the former from the domination, in various forms, of the latter. In 1832, under the interrogation of the president of the *Cour d'Assises de la Seine*, he proudly, and not too intelligently, described his profession as being that of proletarian,² and arrayed his thirty million fellow proletarians against their masters, "living fatly off the sweat of the people". In fact Blanqui went so far in proclaiming the class struggle on this occasion that the court ordered a year's imprisonment and 200 francs fine for "troubling the public peace and exciting the contempt and hate of the populace against certain classes of people whom he alternately designates by the names of the 'privileged rich' and the 'bourgeoisie', in various passages of his speech".²

¹ Audiences des 10, 11 et 12 Janvier, 1832. Affaire de la Société des Amis du Peuple. Interrogatoire et défense du citoyen Blanqui:

"Le Président: Quelle est votre profession?

Blanqui: Prolétaire.

Le Président: Ce n'est pas là une profession.

Blanqui: Comment, ce n'est pas une profession! c'est la profession de trente millions de français qui vivent de leur travail et qui sont privés de droits politiques.

Le Président: Eh bien! soit. Greffier, écrivez que l'accusé est prolétaire."

² *Ibid.* In a more explicit statement of his aims (quoted above) he insists that the device on his banner is not democracy but the proletariat.

The conception of the revolutionary dictatorship of Babeuf was accepted by Blanqui to be applied to the advantage of the proletariat conceived as a class with interests opposed to those of other classes. His idea of the proletariat and its interests is the product of an analysis of the nature of society of sufficient importance to support Malon's judgment that Blanqui represents a synthesis of revolutionary Babouvism and "scientific" socialism.¹ The analysis of the nature of society sufficient to support such a claim need not, I take it, be extraordinarily profound; nor indeed is that furnished by Blanqui.

At the outset he vehemently denies the existence of the rule of law in society. Laws of human nature in the sense of uniformities of conduct are a *contradictio in adjecto*. The precise difference between man and nature is the presence of free will in the behavior of the former and the presence of a thorough determinism, which Blanqui calls fatalism, in the behavior of the latter. It is not that the uniformities of human conduct are more difficult of formulation than the laws of physics or chemistry, because perhaps of a greater complexity of the material, or a more persistent difficulty in isolation or observation, but that the mere supposition of such a uniformity is absurd.

The word law has sense only in nature. What one calls law, an invariable rule, immanent and inevitable, is incompatible with intelligence and will. Everywhere man intervenes and there is no longer a question of law but of caprice and arbitrary action. The term law in such a situation is an impertinence, an hypocrisy, a swindle and, frequently, all these things together.²

As usual Economics, whose votaries have made more of a pretense to the enunciation of "laws" than the professors of other social studies, is put to scorn. "The pretended fatalism of economic laws which rule in society! A pure impertinence. Nothing is more arbitrary and more irregular than human processes and actions which vary at the instance of a million caprices. Nothing is less similar to the immutable and fatal order of nature."³

¹ *Revue Socialiste*, vol. II, p. 597 (1885).

² MSS. Liasse VII, Cahier E, p. 78 (1868).

³ MSS. Liasse VII (1868).

Blanqui's position on this matter is in direct opposition to that of the illustrious utopian socialists who preceded him. Both Saint-Simon and Fourier were not only convinced of the existence of uniformities of human conduct but also of the possibility, not to say the simplicity, of describing these uniformities in the form of laws. On the basis of their respective analyses of the laws of society both lay claim to the title of the Newton of the social sciences.

Since Blanqui was a frequent reader of contemporary philosophy the attitude of the positivists on this question of the possibility of formulating laws of human conduct came often to his attention. His criticisms of the positivist position frequently exhibit a certain shrewdness and penetration. He sees a fatal antithesis between determinism and free will in positivism. It claims, he says, that human conduct exhibits the uniformities of natural phenomena, that every action is the product of its antecedents and that there is no place for novelty either as the result of chance or of free will. At the same time it maintains the possibility of the infinite perfectibility of human institutions, the unlimited possibility of change in society by deliberate human action through the cultivation of science.

Thus, on one side, the fatalism of social evolution which proceeds according to its own laws as the phenomena of nature, and on the other, the progress of society by means of the human will and conscious reflection, and through the fruit of experience. A strange contradiction which admits fatalism during the period of ignorance and suppresses it during the age of illumination.¹

To Blanqui the possibility of continuous improvement of human institutions existed because and only because of the indeterminateness of human conduct.

If the pretended social sciences are not the product of systematic observation of the uniformities of human conduct, what are they? To Blanqui they are nothing but value judgments, and false value judgments at that. His views on this question may be illustrated most simply and clearly by his ob-

¹ MSS. Liasse VII.

servations on economics, since this was the object of his most careful and continuous attention. The society of the economists has no more relation to reality, if as much, than the society of the socialist or the communist. They are both ideal constructions, the one representing the individualist, selfish and anti-social paradise of an exploiting class and the other an egalitarian régime in which coöperation and "*solidarité*" have supplanted egoism. "A single glance suffices to measure the abyss which separates socialism from political economy. They are two conceptions of society diametrically opposed. What is a virtue in the eyes of one is a crime to the other. Denial corresponds to affirmation, malediction to applause, panegyric to anathema."¹

Although the society of the economist and that of the socialist both represent value judgments there is this difference between them. The ideal of the economist is determined by consulting the material interests of a small class, while that of the socialist is arrived at through a consideration of the welfare of the mass of mankind. And naturally one ideal is not as good as another. The social studies are really branches of ethics; the end of such studies should be the determination of the just order of society. "Justice is the sole criterion to be applied in human affairs."² A reasonable interrogation of the nature of justice in society leads to but one conclusion, socialism. The indifference of existing political economy to questions of true morality deprives it of all value as a social study."³

Blanqui has described for us the first impressions which the study of economics made upon him as a youth.⁴ Acquainted with the son of J. B. Say, he was introduced to the father and encouraged to read the latter's treatise *On Political Economy*.

On a young and ardent heart, political economy is like an icy douche. It is hard, dry, spiritless, bitter and sad; a visit to a

¹ *La Critique Sociale*, vol. I, p. 11.

² *Ibid.*, vol. II, p. 58.

³ *Ibid.*

⁴ As a brother of the economist, Jérôme Blanqui, L. A. Blanqui was early brought into contact with economic literature. During the course of his lifetime he read and criticized most of the work of the leading French economists of the middle of the century—a rather sterile group.

prison, to a hospital, to the dissecting tables; the grave of illusions and of generous dreams.

In these arid pages, not a trace of the idea of justice, not an echo of conscience. Nothing but egoism, in its fierce aridity, the war of man against man, the code of mutual extermination.¹

The effect of reading Bastiat's defense of interest was even more lugubrious.

At these cutting words a shudder of terror made the book fall from my hands. So much assurance in so cruel an affirmation. What if this man were speaking the truth! What if human societies, as the animal world, were constructed on the plan of mutual extermination! What if men, in order to live, were condemned to devour one another! And, full of anguish, I dared not take up the book again, for fear of being overwhelmed with a crushing conviction.²

This is hardly the proper frame of mind in which to approach an examination of the problem of interest, but it was to this examination that Blanqui devoted most of his writings on economics. It is perhaps needless to say that his contributions on this subject were not great. They serve, however, to establish the fact that Blanqui was in the full current of nineteenth-century socialism and that his revolutionary attitude was accompanied by a theory, however ill supported, of the right of labor to its full product and of the unjustifiability of property incomes.

It must be said that his demonstration of the unjustifiability of such incomes is not entirely rigorous. He makes no distinction between various kinds of property income, e. g. between rent and interest. The definitions of capital current in contemporary political economy—embodied labor, or produced instruments of production—strike him as palpably absurd. All incomes other than wages, or wages of management, are only various forms of interest and as such represent theft from the laborer. "Capital is neither accumulated labor, nor an instru-

¹ *La Critique Sociale*, vol. II, p. 140.

² *Ibid.*, vol. I, p. 116.

ment of production—capital is stolen labor.” Its physical form does not embrace factories, machinery, farms, raw material and the like; capital is money. In the absence of any reason of Blanqui’s for supposing the contrary we are led to believe that in a barter economy interest would be impossible. “What concerns us is the conviction, acquired by long experience, that the services of money are paid for very dearly. It has created usury, capitalist exploitation, and their sinister daughters, inequality and misery.”¹

Having got rid of the conception of capital as instruments of production, Blanqui (to himself), conclusively demonstrates that capital, or money, is essentially sterile and unproductive. In the course of an imaginary conversation between the worker and the capitalist the worker concludes:

You give value to something which is really worth nothing. That, precisely, is the crime. The foundation of exchange is the equivalence of the objects exchanged. Money is only an intermediary between the two values. It has no other function. You buy it with your product. You must sell it again, against a product, for the same price.²

The appearance of interest upsets this equivalence in exchange. “Will the economists deign to explain”, demands Blanqui, “why, after establishing in principle the equivalence of exchange, they destroy it by the loan at interest and construct this lovely equation, $100 = 105$ or 110 , 112 , etc.”³

As one would expect, Blanqui denies catégorically the assertion of the economists that the wages of labor will be increased with an increase in the employment of capital. “To find more capital is precisely to open wider the door to misery. . . . The increase of capital is the increase of the tithe which it lays on the laborer, and this tithe is, precisely, the origin of all their ills.”⁴

It might be supposed, after this analysis, that the remedy

¹ *La Critique Sociale*, vol. II, p. 161.

² *Ibid.*, vol. I, p. 22.

³ *Ibid.*, vol. I, p. 11.

⁴ MSS. Liasse II, p. 73.

obviously called for is the suppression of the use of money, the institution of a barter economy. If capital is money and the interest on capital the source of all our ills, why not simultaneously eliminate both capital and interest by prohibiting the use of money? This does not satisfy Blanqui. The welfare of the proletariat demands the abolition of private property. The dividing up of existing property is no solution. "Let us say at once that equality does not mean the sharing of the land. An infinite parcellation of the soil will not change at bottom the rights to property. . . . Association, substituted for private property, will alone establish the reign of justice through equality."¹

The essentially unintelligent *mélange* of bold assertions and indignant condemnations which makes up Blanqui's writings on the subject of economics serves to demonstrate to his own satisfaction the following important conclusions. First, that the existing system of property ownership has led to the division of society into two classes, the exploited class of workers, and the exploiting class of proprietors. Second, that the interests of the proletariat and the cause of social justice will be furthered by the abolition of private property and the institution of a communist régime.

But this conclusion and the reasons which support it are made inaccessible for the mass of mankind by propaganda of one sort or another spread by institutions working in the interests of the possessing class. The most notable and the most dangerous of these institutions is the church. French socialism in particular and Continental socialism in general, as opposed to English socialism, has always tended to occupy itself with the religious question. In the case of Blanqui and his followers it stands on a parity in importance with the question of private property. "Atheism, Communism and Revolution" was the professed program of the party.

The Blanquists had their hands in a good many of the atheist and materialist journals published on the Left Bank in the 1860's, which usually lived a few numbers and then died. Blanqui's friend and disciple, Tridon, was the editor of *Candidé*,

¹ MSS. Liasse II, p. 280.

a paper devoted principally to combating "the cult of the supernatural". Blanqui wrote continuously for this journal, which appeared in 1865, under the name of Suzamel. Another young disciple, Rigault, projected a paper to be called *Le Barbare, Journal Matérialiste et Littéraire*. "The philosophical question," says the prospectus of this paper, "in spite of its evident importance, in spite of its intimate connection with the political question and the social question, is completely neglected by the political journals." In consequence *Le Barbare* will occupy itself with the "study of history to demonstrate the effects of faith. We shall show, for example, the French Revolution developing with atheism; we shall show it arriving at its apogee with the Commune of Paris, with the anti-religious agitation of Chaumette, with the profound and spiritual paper of Hébert."¹ Blanqui's own paper, *Ni Dieu, Ni Maître*, which he founded a few months before his death, devoted itself primarily to the religious question.

In part this opposition was the result of a philosophical repugnance to the doctrines of the church, in part of a belief in the identity of interest between the church and the possessing class, in part a mere following of the revolutionary tradition in France. The belief that the church was serving the interests of the possessing class was undoubtedly strong.

There is no longer any other opposition [says Blanqui] than that of Jesuits and socialists. Reduced to these terms the question will not be long in debate. The opposition was really of this nature from the beginning and it has required much blood and suffering to join the issue squarely. We have now the alliance of Thiers and Montalembert, the close union of the bank and the clergy. The industrialists of Elbeuf collect themselves under the banner of Loyola; they will go to mass every Sunday for the salvation of the social order and of their *écus*.²

The church saps the desire of its votaries for progress, for social amelioration. It lulls to sleep the fierce sense of injustice of the proletariat and the peasantry. "Christianity de-

¹ See Jules Forni, *Raoul Rigault*, p. 88.

² MSS. Liasse I, Cahier B 3, p. 145.

stroys the citizen and leaves only the sectary; it enervates, paralyzes, exhausts his social energy, suppresses his sense of duty toward the state, leaving merely a collection of travelers, burdens on their backs, ready for the next world and indifferent to anything else."¹

This antagonism to the church and things religious translated itself into action during the Commune of Paris. Rigault and Ferré, two of Blanqui's staunchest followers, more than any one else were responsible for the execution of the Archbishop of Paris, the Curé of the Madeleine and other members of the clergy, hostages, during that May week in 1871.

Private property and the church, naturally, were not the only institutions of the existing order attacked by Blanqui. But he expended more of his ammunition on these targets than on any others. His destructive program may be summed up as nihilism, his constructive program, so far as he had one, as a communism the details of which he never tried to explain.

Blanqui exhibited all Marx's scorn of the utopian socialists who spent their time speculating on whether 1,800 or 3,000 would be the correct population for the ideal community of the future. To him any socialism which was not revolutionary was impotent and vain. In an often-quoted statement he declares, "Communism and Proudhonism dispute bitterly on the river bank as to whether the other bank is a field of corn or a field of wheat. They insist upon resolving this question before crossing the obstacle.—Let us get over first. We shall be able to see there."²

The effect of continuous debate on the details of the future society is to split into small groups and to weaken the socialist movement.

The various doctrines which today compete for the favor of the masses will one day realize their promise of progress and of well-being, but on the condition that they do not abandon the bone for the shadow.

They will end only in lamentable failure if people, following an

¹ MSS. Liasse I, Cahier B 2°, p. 142.

² *La Critique Sociale*, vol. II, p. 314.

exclusive taste for theories, neglect the sole practical element of success, which is force.³

Armament and organization, these are the decisive agencies of progress, the serious means of putting an end to oppression and misery.¹

This continuous debate on social programs, in his opinion, had struck with impotence the French socialism of the first part of the nineteenth century. It is the opinion of certain authorities² that the ideas of Blanqui exhibit the influence of Saint-Simon, which had permeated the "Société des Amis du Peuple" in the early thirties. There is little evidence to support this opinion in the writings of Blanqui, which on the contrary are filled with rather frequent expressions of disdain for the Saint-Simonian system. Commenting on the statement that positivism had rendered two good services to mankind in killing Saint-Simonianism and Fourierism, Blanqui remarks:

Not at all! Positivism has saved nothing nor killed anything! Saint-Simonianism and Fourierism have died their own beautiful deaths without the help of anything other than common sense. They were condemned in advance by their foolishness; such extravagances could take no root. They have taken lodging in a few disordered brains and have found there their grave. Revolution, which alone can save humanity, is incompatible with the revelations of budding prophets.³

The socialism of the First International also left Blanqui cold. The French members of the International were mostly thoroughgoing followers of Proudhon whose lack of revolutionary theory or intention was not likely to recommend itself to Blanqui. He had intended to take some part in the first International Congress at Geneva in 1866 but changed his mind and ordered his followers in Paris not to attend. He was severely critical of the ideas expressed in the Bâle Congress in

¹ MSS. Liasse I, Cahier B 3°, p. 366.

² See in particular Tchernoff, *Le Parti Républicain*, p. 349, and *L'Extrême Gauche*, p. 6.

³ MSS. Liasse VII, Apr. 3, 1869.

1867, and in 1868, although the Congress was held in Brussels, where he was living at the time, he had not sufficient interest to attend the meetings. The motion of a leader of the French branch, Tolain, to admit only workers into the International was not calculated to please one with Blanqui's ideas on the revolutionary rôle of the bourgeoisie. "It means the intellectual and moral degradation" (of the workers), he asserted, "the proclamation of their inferiority as a class. It is a true abdication." Nor did he approve the support of coöperative ventures and schemes of mutual credit, so dear to the heart of the Proudhonists.

Such schemes can only have the effect of dividing the working class against itself. A coöperative venture is within the capacity of the upper level of the proletariat only. As a scheme of social amelioration it can have no utility for the vast mass of the working class. Not only that, but it helps to deprive this mass of its natural leaders, the abler and more energetic of the proletariat who become possessed by the interests, habits and customs of thought of the *petite bourgeoisie*. It is the negation of revolutionary socialism.

Does one wish [he asked in 1867¹] to skim the cream of the people, to deprive it of its natural protectors, to make a new caste, a kind of demi-bourgeoisie, but more egoistic, because short of money, and, in consequence, more suspicious and brutally conservative? That is the final significance of that bastard expedient that is baptized in its cradle with the great name, resurrection of socialism, and which is only its negation, its tomb.

With the strike, however, Blanqui was in thorough sympathy. The organization of the working class into fighting units imbued with a determination to resist the aggression of its natural enemy, the capitalists, is a plan which reaches the masses, and will strengthen the class-consciousness of the proletariat.

The strike is intelligible to every one; it is a simple idea, resistance to oppression. Everyone will rally to it.

Coöperation in all its various forms, credit societies, produc-

¹ See Dommanget, *op. cit.*, p. 58.

tive associations, is a complicated idea which can only seduce intelligences already developed, and which inspires fear and defiance in the ignorant. It will find ten adherents to ten thousand for the strike.¹

Blanqui grasped this Marxian dilemma in thoroughgoing communist fashion. To the question of the correct socialist attitude toward non-socialist schemes of improving the condition of the working class Marx gave only a hesitant answer. Should the socialist favor such schemes if their result is, by raising the standard of living of the working class, to soften the antagonism between capital and labor? Blanqui spoke out clearly against any such amelioration.

This irreconcilable revolutionary communist was a person of some significance in French politics; of more significance than any other socialist in the nineteenth century with the possible exception of Louis Blanc. At two times in his eventful life, in 1848 and 1871, there was some possibility of his leading a temporarily successful revolution. On both occasions his power was destroyed on the eve of its fruition. In 1848 Blanqui was the leader and organizer of the most influential radical club in Paris, "La Société Républicaine Centrale." The personnel of this club was very heterogeneous—

composed particularly of former members of secret societies, assembled not from the chiefs of the party but from the rank and file of the conspirators; a mixed personnel, where, by the side of sincere socialists, were to be found intriguers who thought it useful to follow Blanqui, suspicious characters, *agents provocateurs*, swindlers, *déclassés* who seemed to have allied themselves with the socialist cause only as a consequence of successive misfortunes, and desirous of revenge; a personnel very mixed also from the point of view of professions represented; journalists and men of letters, bourgeois of all professions, officials, doctors, lawyers, and finally militant laborers.²

It was the single radical group of sufficient importance to inspire fear in the provisional government, and the power of

¹ MSS. Liasse VII, Oct. 17, 1867.

² Suzanne Wasserman, *Les Clubs de Barbès et Blanqui en 1848*, p. 10.

Blanqui during February and March grew steadily. He showed himself to be an organizer of talent and a rabble rouser of the first order. An historian of the Revolution of 1848 who often heard Blanqui gives us this description of his oratorical ability.

His force as an orator was immense; his strident voice, shrill, penetrating, metallic, yet deadened like the noise of a tom-tom, communicated his fever to those who heard him. His eloquence, nourished, not from the purest sources, but from the most ardent and inspirited, had a savage character. . . . It was cold as the blade of a sword, as incisive and as dangerous, yet this eloquence warmed the sleeping enthusiasm of those who avidly listened to him.¹

The strength and influence of Blanqui had attained proportions dangerous to the government when there appeared, on March 31, a document which deflated this power like a toy balloon. I refer to the so-called "Document Taschereau" which purported to be a demonstration that Blanqui had in 1839 betrayed his cause and his friends by giving information to the police on the personnel and organization of the secret societies to which he belonged.² Blanqui denied the allegation vehemently and published some weeks afterwards a reasoned reply; but the damage was done and he became for the time being a figure no longer to be reckoned with.

A second occasion on which it might have been within the

¹ Delvau, *Histoire de la Révolution de Février*, p. 318, quoted in Wasserman, *op. cit.*, p. 4.

² I do not intend to go into the history of this incident, which is complicated, obscure, and possesses a considerable literature of its own. Blanqui's biographer Geffroy devotes a considerable number of convincing pages to the demonstration of his innocence, and certainly Blanqui's thirty years in prison may be taken as evidence of the fact that he was not an ordinary police agent. On the other hand, Maurice Dommanget in his recent small and interesting book on Blanqui, published in 1924, is even more convincing on the other side. M. Dommanget cannot be accused of conservative prejudice, since he is a communist and a tremendous admirer of Blanqui. The incident, which takes up a disproportionate amount of space in the writing on Blanqui, seems to me to be relatively unimportant. I should be prepared, as is M. Dommanget, to accept the explanation of Malleville, a minister of 1839, who ascribes this revelation to the illness of Blanqui at the time; it was made in a moment of weakness and is entirely out of harmony with anything else in his career.

power of Blanqui to dominate a successful revolution was in 1871. It is one of the ironies of history that he should have been arrested by government agents on the seventeenth of March, the day before the insurrection occurred. Although in prison he was elected to the communal assembly in the vote of March 26, by two *arrondissements*, along with a considerable number of his followers. In the Commune the Blanquists formed the strongest united group, though without a leader. They considered at the time and afterwards the absence of this leader a misfortune of the gravest importance. Everyone, one of their members has said,¹ felt himself opposed by a revolutionary problem beyond his courage and experience. "Regnard, Ferré, and particularly Rigault regretted constantly the absence of the great leader whom they had followed so long." They hoped for some time to release Blanqui through an exchange of hostages and offered the government of Versailles Monseigneur Darboy, the archbishop of Paris, and several score of hostages for Blanqui, but M. Thiers did not look with favor on the negotiation.

It is an open question whether the presence of Blanqui would have added anything to the strength of the Commune or whether he would have been able to dominate his colleagues. Maxime du Camp, the leading reactionary writer on the Commune, thinks not. "The release of Blanqui would have brought no new peril in addition to that with which it [the government] was already faced; it would have meant simply one more fool at the Hôtel de Ville, which was an insane asylum."² While refusing to associate oneself with this harsh judgment of the capacity of Blanqui or the "inmates" of the Hôtel de Ville, one may be permitted to doubt whether the presence of Blanqui would have added a single day to the life of the revolution of Paris. The opposition in the Commune to the revolutionary tactics for which Blanqui stood was probably too strong to permit him to dominate the assembly. And even if he had been able to assume a position of the first importance, the insurrec-

¹ Da Costa, *Commune Vécue*, vol. I, p. 411.

² Maxime du Camp, *Les Convulsions de Paris*, vol. I, p. 321.

tion did not possess the material requisite for a successful revolution. But that he would have been an important figure in this temporary government cannot be doubted.

Thus in these two important revolutionary movements Blanqui was forced by circumstances to occupy an unimportant position. In the two attempts at revolution which he led with his own men, his failure bordered on the ridiculous. On May 12, 1839, with eight or nine hundred men, he attempted the overthrow of the government. The day being Sunday, a demonstration at the Champ de Mars had attracted a considerable number of people away from the center of town. He massed his men against the Hôtel de Ville and the governmental centers of the seventh and eighth *arrondissements*. A couple of barricades were erected, but the insurgents succeeded in attracting few adherents among the crowd and the arrival of the troops quickly put an end to this uprising.

The affair of the fourteenth of August, 1870, was of even shorter duration. The flood of reverses in the war with Germany had raised the revolutionary attitude of the Parisian populace to a dangerous pitch. Blanqui and his followers thought to take advantage of this and to lead a movement which would overthrow the government. He had perhaps a hundred followers whom the patrimony of one of his disciples had equipped with arms and ammunition. The attempt was made in Belleville, a proletarian and revolutionary quarter of Paris, Place de la Villette. Blanqui published later in his paper, *La Patrie en Danger*, a sad account of the affair.¹

The leaders of the enterprise had supposed that the gravity of the situation and the disorders of the preceding days would have been motives sufficient to rally the masses. . . . The fact is that in a quarter as revolutionary as Belleville the uprising was not able to gather a single recruit.

The net effect of the day's work was the death of one policeman.

These events in the active life of Blanqui exhibit him in the

¹ *La Patrie en Danger* (in book form), p. 49.

course of applying his revolutionary theory without too great success. He was a capable revolutionary communist born, perhaps, a little before his time. Engels described him as a revolutionary in the old style,¹ and we might have imagined Blanqui shaking his head sadly, as did that inhabitant of Haiti,² and remarking bitterly, "The machine gun has killed politics in the same way that machine methods have killed art", if the Russian Revolution had not demonstrated that the political methods and revolutionary theory of Blanqui are not as *passé* as Engels had supposed.

Blanqui stands midway between Babeuf and Lenin and all three belong in that strong revolutionary line which during the past century and a half has been of such importance in France and Russia. Between Babeuf and Lenin stands the development of the industrial proletariat and the great body of socialist theory regarding the position, function and historic mission of this proletariat. Babeuf was the ultimate expression of Jacobinism,³ which can hardly be called socialism; Lenin is the greatest modern leader of the socialist proletariat. Blanqui was part eighteenth-century Jacobin and part nineteenth-century socialist. The Jacobins were egalitarian and none of them more so than Babeuf. But only if socialism means egalitarianism were they socialist. A number of the Jacobins, and no one of them more than Babeuf, conceived the only road to equality to lie through communism, the abolition of private property.⁴ But modern socialism takes its stand on the existence of the class struggle, the product of modern capitalism. It ostensibly transcends political and national boundaries. Jacobinism was in every way patriotic and saw no obstacle to this patriotism in an inevitable opposition within the nation of classes divided by economic necessity.

In this respect Blanqui is half Jacobin and half socialist. He is patriotic with the Jacobins and with the socialists is con-

¹ Engels, *loc. cit.*

² See Paul Morand, *Magie Noire*, p. 19.

³ See Espinas, *La Philosophie Sociale du XVIII^e Siècle*, p. 196.

⁴ See Buonarroti, *Conjuration des Égaux*, p. 50.

vinced of the inevitability of class struggle. His patriotism was unquestioned. To him France is the sole guardian of the sacred fire of civilization and the others are barbarians. In 1870 he called his paper *La Patrie en Danger* and devoted it almost exclusively to questions involved in the defense of Paris. He stigmatized the German invaders as "Vandals", "Goths", "barbarians" in a manner which would have done credit to 1914. In the first number of *La Patrie en Danger* he urged all opponents of the government to forget their differences and rally to the common cause. "Do not forget that to-morrow we are going to fight, not for a government, not for interests of caste or party, not even for honor, principles or ideas, but for what is the life and breath of all, for that which constitutes humanity in its most noble manifestation, for country."¹ His hatred of things foreign was not limited to the Germany of 1870-71. On many occasions England, the traditional enemy of France, came in for its share of condemnation.²

Yet Blanqui went far beyond Jacobinism in the direction of socialism. As has been pointed out, he has a definite theory of class struggle based upon some analysis, however weak, of the economic organization of society, and he identifies the welfare of society with the welfare of the proletariat in true socialist fashion. To Marx in 1848 he was truly socialist because the real leader of the Parisian proletariat,³ and Lenin himself says of Blanqui that he was an "undoubted revolutionary and a strong supporter of socialism."⁴

¹ *La Patrie en Danger*, Sept. 8, 1870. See on Blanqui's patriotism, J. Tchernoff, *L'Extrême-Gauche Socialiste-Révolutionnaire en 1870-71* (Paris, 1918), p. 4.

² Blanqui is bitter though amusing on the subject of the gallicization of English words. E. g. MSS. Liasse I, Cahier B 3°, p. 206. "Club—cloub!—cleub!—Ah! oui, cleu-eu-eu-eub! Est-ce que sous prétexte d'Etymologie, nous allons être condamnés aux glapissements britanniques? Qu'est-ce que cette invasion d'Outre-Manche, cette descente des nez dans les bouches? Faudra-t-il, aussi, par fidélité aux origines, appeler désormais Raiding-Côôôôôôô notre vêtement aux longues basques, dont la coupe et le nom viennent d'Angleterre? Allons-nous substituer à l'accent net, simple et bref de notre langue si claire, toutes les intonations du miaulement anglais? Laissons à ces miaulements leur spécialité qui est de distraire, dans les entr'actes, le poulailler de l'Ambigu-Comique."

³ See *18th Brumaire*.

⁴ *Uroki Kommuni*, 1908. *Collected Works*, vol. XI, p. 509.

Babeuf, Blanqui and Lenin all pinned their faith on a compact group of convinced and determined men as the proper organization of a revolutionary party. All were convinced revolutionists certain of the necessity of destroying by force the agencies of existing government. All were convinced of the necessity of a dictatorship, either individual or collective, during the period of transition between the old order and the new. This transitional period and the problems it must bring were actively and continuously discussed by Babeuf and his followers.¹ He as well as Blanqui and Lenin was persuaded of the necessity of terrorism, of making "a just example, capable of frightening the traitors and of securing to those whom the people honored their confidence in the future."²

None of these revolutionaries had much respect for democratic forms of government. To Babeuf and Blanqui the proper organization of society was a simple deduction from a few natural law postulates. To all three the vast mass of the population was unfitted by improper education to legislate on questions of economic and political organization. To Babeuf the truly enlightened were found in the group of Paris revolutionaries; this group was the only one capable of acting for the interest of the state. To Blanqui the enlightened were the Paris proletariat and a group of bourgeois *déclassés* who must be given the dictatorship in the interest of the French proletariat. To Lenin the advanced and class-conscious element was the city proletariat. There is a difference in scope and in detail, but the revolutionary theory of all three runs on the same general lines.

Viewed in the light of the present significance of this revolutionary theory, Blanqui is entitled to a more considerable position in the history of communism than historians have customarily assigned him.

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¹ See Espinas, *op. cit.*, p. 259.

² Buonarroti, *op. cit.*, p. 93.

THE foregoing discussion¹ of the theories of international debt payments, as applied to Germany's capacity to pay reparations, has cleared the ground for consideration of a final problem—the effect of such payments upon business conditions.

The classical school, as we have already seen, maintained that the discharge of a war indemnity would confer upon the creditor country a double benefit accruing from the receipt of the tangible wealth representing the war indemnity and from the lower prices paid by the creditor for all imports from the debtor country, which, in its turn, would suffer a double loss for the same reasons.

The logical consistency of this theory is beyond doubt; its weak point is that it is too abstract. It does not take into account that ours is a business economy in which the purpose of economic activity is primarily to make profits and in which, consequently, business activity, employment, interest rates, etc., are determined, as to both volume and trend, by business profits. A large supply of goods, therefore, does not necessarily connote prosperity and a small supply of goods does not necessarily mean depression. If ours were a communistic economy we should, indeed, expect the receipt of a war indemnity to result in, or rather to be tantamount to, a greater well-being of the population. In this case the larger supply of goods due to the payment of the indemnity would induce the authorities directing national production and distribution to shorten hours of labor or to increase the allowance of consumption goods granted to each member of the community, or both. Probably even then a few economists, following a type of analysis with which Friedrich List has familiarized us, would regard the indemnity as a gift of doubtful value, arguing that

¹ The first part of this article was published in the *POLITICAL SCIENCE QUARTERLY* for September, 1929, pp. 334-62.

it decreased "the productive powers" and hence the real wealth of the nation. Probably, however, the heads of the official producing and distributing agencies would reject such arguments as being too abstract and too far-fetched. This objection can hardly be made in the modern business economy against those skeptics who hold that war indemnities decrease business profits; such skepticism, if justified, would be very practical indeed. It is, then, with the effects of war indemnities upon business profits that we must primarily concern ourselves if we want to determine their effects on business conditions.

On *a priori* grounds, we may expect that the immediate effects of a war indemnity on business profits in the receiving country will differ according to the mode of payment. If the effective discharge of the war indemnity is brought about by "payments in kind", it will at once result in cutting down business profits in those industries with the products of which the commodities delivered compete. This mode of payment will tend to bring about depression in a series of industries; this depression will be specific or general according to the importance of the industries affected. The ultimate as well as the immediate effect of the war indemnity in this case would be to engender a partial and perhaps a general decline of business profits in the creditor country.

More interesting from the theoretical and more important from the practical point of view is the case in which payment is effected in money. In this case the immediate effect of the payment is to enlarge circulation and thereby to raise prices and business profits in the creditor country, this effect leading in turn to an expansion of business activity. This expansion will continue until the unfavorable balance of trade created by the high level of prices in the creditor country reduces its monetary stock sufficiently to check the rise and, finally, to bring about at least a relative decline of the price level.¹ The

¹ In modern times capital imports and capital exports act on the country's monetary circulation mainly by expanding and contracting the volume of deposit currency. Cf. National Industrial Conference Board, *The Interallied Debts and the United States* (New York, 1925), p. 188.

fall of prices will result in a decrease of profits; the business of the country will pass through a period of recession and finally enter into a period of depression.¹

The payment of the war indemnity in money would, then, be one of those "extraneous forces" tending to produce a "business cycle" by raising the price level. The theory of business cycles entitles us to expect that the level of profits in the creditor country will be substantially lower at the end than at the beginning of this development. For the creditor country the final result of the discharge of the war indemnity would be a decline in business profits, although its immediate effect had consisted in enhancing them.

It might be asked whether these detrimental effects on the economy of the receiving country are unavoidable. This question has been much discussed in connection with the disappointing results, for Germany, of the Franco-German War indemnity of 1871. On this score Adolf Wagner has advanced interesting suggestions, although he cannot be quite absolved from the charge of being wise after the event. In an article written in 1874² he remarks that most of the adverse effects of the indemnity on German business might have been avoided if the use of the war indemnity by the German government had been different: the best thing that could have been done with the payments received would have been to use them for carrying out public works on a large scale; the next best would have been to keep the indemnity invested abroad. Let us now investigate how the application of either of these devices would modify the economic consequences which we were led to expect on theoretical grounds.

If, to take the second alternative suggested by Wagner, the indemnity is kept invested abroad, none of the effects which have been attributed to its transfer will take place, for the

¹ "If the transfers are large relative to the general wealth and trade of the country, a period of financial and industrial expansion and of prosperity usually follows. The expansion is apt to be overdone however, and may even lead to a crisis and subsequent depression." *Ibid.*, p. 187.

² Adolf Wagner, "Das Reichsfinanzwesen", *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft des deutschen Reichs* (Leipzig, 1874), p. 230.

simple reason that there has been no transfer in this case, at least as far as the creditor country is concerned. The payments received as interest on these foreign investments will be a factor of negligible magnitude for the national economy, even if the interest is disbursed at home rather than reinvested abroad. Keeping the war indemnity invested abroad will thus provide a perfect solution of the transfer problem for the creditor country: it will avoid the disturbance of economic life which invariably follows the conversion of the payment into national currency and it will also contribute to the reduction of the tax burden by opening up a new source of revenue in the form of interest on the foreign securities owned by the state. The trouble with this solution is, however, that the state is little adapted for the rôle of an international investment trust and, moreover, that the ownership of foreign securities by the state is liable to arouse the suspicions and susceptibilities of the debtor nations. This solution, then, would at best prove to be an ample source of international friction.

The adoption of Wagner's first alternative—consisting in the use of the indemnity for the construction of public works—would likewise avoid most of the economic disturbances which the receipt of a war indemnity would otherwise entail. If the war indemnity were received in kind the increased supply of goods would be met with an increased demand and there would be no reduction in the activity and in the profits of national industries. If the indemnity were received in money the increased credit supply would be countered by an increased credit demand on the part of the industries engaged in the construction work; an excessive fall of the interest rate and the consequent "boom" would be avoided, provided the government were able to synchronize the expansion in the supply of credit with that in the demand for credit by a gradual release of the funds obtained. The drawback of this solution is that it amounts to an increase in public expenditures and, therefore, fails in the avowed main purpose of a war indemnity, to reduce the national debt and the tax burden of the victorious country.

The solutions suggested by Wagner would, then, eliminate most of the economic disturbances following the receipt of a

war indemnity, but only at the expense of inviting other, and perhaps more serious, troubles.

The effects of the discharge of a war indemnity on the debtor country will be the exact reverse of those which we were led to expect in the case of the creditor country. If indemnity is paid in kind the additional demand for the commodities of which the payments are composed will enlarge activity and increase profits in the industries producing them; this partial expansion of business activity may or may not become general according to the importance of these industries in the given economy. This will then be the immediate as well as the ultimate effect of the payment. On the other hand, if the payment is effected in money its immediate effect will be to lower the price level and to reduce business profits in the debtor country. The state of business depression thus brought about will last until the transfer of the war indemnity has been completed by means of the increase in exports, the disposal of foreign securities, or the importation of foreign capital. These factors which have enabled the debtor country to discharge its political debt will not stop operating after this debt has been discharged; the influx of foreign gold and bills of exchange into the debtor country will continue as long as prices are lower and interest rates are higher there than elsewhere. After the indemnity has been discharged we may, therefore, expect a gradual increase in the debtor country's monetary stock, which, by raising the price level, will augment business profits and expand business activity. Business will pass from the phase of depression into that of recovery and prosperity. The final result of the payment will then be to raise profits in the debtor country, although its immediate effect was to lower them.

If we were to fix our attention solely upon the effects of a war indemnity on the short-time changes in business conditions, upon the "cyclic fluctuations of business"—to use the current term—we might be inclined to argue that war indemnities are beneficial to the tributary and detrimental to the receiving country. From this point of view we could well understand the statement attributed to Bismarck that he would insist on

paying France a war indemnity if Germany should wage another victorious war against that country. This view, however, would be superficial inasmuch as it would fail to take account of the possible effect of the payment on the long-term development—on the “trend”—of business activity in the countries concerned. It would disregard the fundamental fact that, after all, the payment of the war indemnity means a loss of wealth for the payer and a gain of wealth for the receiver, although much of the wealth gained may be wasted and much of the wealth lost may be recovered by the mechanism of the cyclical process described. The lasting effect of a war indemnity is to increase the public debt and the tax burden of the debtor country which tends, *ceteris paribus*, to restrict production in the long run, while, *ceteris paribus*, the opposite effect is exercised on taxation and productive activity in the creditor country.

We have already noticed, however, that in modern times there is always a possibility—within certain limits—of offsetting the effect of increased taxes on business activity by raising the efficiency of production and distribution. In this respect the debtor country possesses an advantage of a psychological sort which may become very large under certain circumstances. The consciousness of defeat and of the losses thereby sustained will, as a rule, render entrepreneurs and workers in the debtor countries more inclined to make the sacrifices which a process of “rationalizing” business methods always involves during a period of transition; the consciousness of victory and of the gains thereby secured, on the other hand, will decrease the willingness of business men and workers to face the monetary losses of such a “rationalization”. For this reason the debtor country may, in the end, find itself in a sounder economic condition than the creditor country, in spite of the capital losses suffered and in spite of the burden of higher taxes.

We have now to investigate the possible effects of the payment of a war indemnity on business conditions in neutral countries, a problem which, to our knowledge, has not yet been systematically treated. The conclusions we are to arrive at become obvious if we remind ourselves of the ways and means

by which the tributary country discharges her obligation: this is done, as we have seen, by the creation of an export balance, by the sale of foreign securities and by the raising of foreign loans.

In so far as payment is effected by increased exports, there will be a tendency toward diminishing sales and business profits in the export industries of competing countries. In so far as the payment takes place by the disposal of foreign securities, this disposal will tend to depress their prices and the purchase of these securities by new investors will absorb funds which otherwise would have been free for additional investments. Finally, in so far as the indemnity is paid by the raising of foreign loans, an additional demand for credit is created competing with the demands already in existence and partly eliminating them by the offer of higher interest rates. Our conclusion, then, is that the payment of a war indemnity tends to create world-wide depression by cutting down profits in export industries and restricting the credit supply for all industries the world over. The extent to which this tendency will make itself felt will depend, of course, upon the size of the war indemnity and upon the strength of eventual counter-tendencies.

Our theoretical considerations on the effects of war indemnities on the countries directly concerned as well as on neutral countries are amply verified by experience.

From all the information which we possess on economic conditions in France during the Napoleonic era it is evident that business activity and employment were generally on a high level during that period, and that this high level was at least partly due to the increase in the country's monetary stock occasioned by the receipt of tributes. Business activity and employment seem to have been maintained on a high level during this entire era with occasional setbacks due to the influence of "random" factors. Aside from the abnormal demand for goods created by the incessant war activities and the comparative isolation in which, because of the war and also because of the inadequate transport facilities of that time, France found herself, this result seems to have been due to the extensive program of public works carried out by the French

government. These factors prevented the recession and depression which we should have expected by virtue of theoretical reasoning. The effect of the war indemnity which France had to pay Prussia after the battle of Waterloo was more in accord with our theory. Here the payment of the indemnity resulted—in connection with other preceding factors (like the immigration of French and Dutch exiles bringing with them considerable fortunes, the temporary delivery of Continental industries from British competition, etc.)—in a boom which Sombart calls the “*Gruenderperiode im Anfang des 19. Jahrhunderts.*”¹ In this case, however, the rise in prices had the expected effects: it brought about a heavy import balance, especially in the trade with Great Britain, which resulted in an equally heavy reduction in Prussia’s monetary stock. According to the best estimates available the amount of precious metals exported to England from the Continent was in the neighborhood of thirty million pounds during the years 1821 and 1822 alone.² This unprecedented drain on the monetary stock brought about a crash toward the beginning of the twenties from which business in Prussia and in Germany generally did not recover until the end of the forties.

A still more complete verification of our theory is found in the phenomena observed in connection with the discharge of the Franco-German War indemnity of 1871. The payment of the indemnity resulted in a rise of the German price level and was one of the factors, perhaps even the main factor, responsible for the feverish business activity which characterized the first two years after the Peace of Frankfort, and which ended with the famous crash of 1873. Again, this crash was followed by a long period of depression in Germany which lasted until the end of the seventies. During this entire decade, too, Germany’s foreign trade was heavily passive and not until the end of the seventies was her import balance reduced to somewhat normal proportions.

¹ Werner Sombart, *Die deutsche Volkswirtschaft im 19. Jahrhundert* (Berlin, 1903), p. 86.

² *Ibid.*, p. 88.

France, on the other hand, was of all countries the least affected by the crisis, the stringency prevailing on her money and capital market during the discharge of the indemnity and immediately afterward being an effective curb on speculative activity. Neither the stringency of credit nor the decline in the price level was, however, sufficiently marked to exercise a notably adverse influence on her volume of trade. In the whole period during which other countries, and Germany in particular, were in the throes of the worst crisis prior to the post-war slump of 1920, business activity in France proceeded on a fairly high and fairly steady level. Since France, moreover, had been able to recover the losses in her foreign investments due to the payment of the indemnity as early as 1875 by obtaining an export balance to the amount of one billion francs and by reinvesting the interest on her foreign securities, we may hold that toward the end of the seventies the French economy was in at least as good shape as the German economy, and that the different trends in the economic development of the two countries from that time on were due to reasons other than the payment and the receipt of the war indemnity.

Our theories concerning the effect of a war indemnity on neutral countries have also been verified. Again the events following the discharge of "reparations" during the Napoleonic era contain very little in the way of either an endorsement or a refutation of our *a priori* reasoning, but again the experiences in connection with the payment of the French indemnity of 1871 are fully in accord with what our theory would lead us to expect. Since the French war indemnity was paid only to a small extent by the creation of an export balance, its tendency toward increasing French competition on the world market was very slight. Of considerable importance, however, were its effects on the international money and capital market. One consequence of this transaction immediately arrested the attention of economists and business men alike: it was the purchase of large quantities of gold in London by the German authorities with the help of the foreign exchange obtained from the French government. These gold purchases were doubtless instrumental in aggravating the panic in 1873 inas-

much as they weakened the position of what was then the world's central money market and thereby diminished the assistance which could come to embarrassed debtors from this source when the crisis finally arrived.

Another and perhaps still more important consequence has escaped the notice of investigators: this is the effect which the temporary suspension of French and German investment activities abroad had on business conditions in the countries affected by it, and primarily on business conditions in the United States. To be more specific, the payment of the French war indemnity doubtless resulted in preventing an expansion of French foreign investments from the beginning of the war in the summer of 1870 until about the end of 1875, i. e. until the recovery by France of the capital losses caused by the payment of the indemnity. It is also pretty certain that during the first half of this period (i. e. until the end of 1873) substantial amounts of American securities were disposed of by French investors in favor of the French government bonds issued for the purpose of paying the indemnity. A similar development took place in Germany, where the boom for which the receipt of the indemnity was partly responsible induced the public to invest its current savings in German rather than in foreign securities, and also led it to sell part of its foreign holdings in order to invest the proceeds in Germany. It is true—so far as the United States is concerned—that this decline in French and German investments was partly offset by an increase in British investments due to the fact that friendly relations between these two countries (disturbed by the famous *Alabama* incident) had been restored by the conclusion of the Arbitration Treaty of 1871 and due to the further circumstance that a considerable amount of idle funds had been accumulated in England since the unsettled political state of the Continent had discouraged British investment there during the preceding period. A substantial part of this increase, however, was doubtless required to absorb the American securities thrown on the market by France and Germany, and the rest could not have been of great assistance in financing such gigantic undertakings as the doubling of the American railway net within

seven years. The events indicated may, therefore, go far in furnishing the link between these two seemingly isolated phenomena: the European and American crises of 1873.¹

Both theoretical considerations and past experiences concerning the effects of war indemnities on business conditions are of value for our purpose only if and in so far as they allow us to give an approximately correct forecast of the economic consequences of German reparation payments.

There are two differences between reparations and the war indemnities discharged in the past. The first difference consists in their absolute and still more in their relative magnitude, a difference which may be best grasped by considering that in 1871 France was able to pay the indemnity within five years out of the *interest* on her foreign investments (plus a modest export balance and a small reduction in her monetary stock), while the *principal* of Germany's foreign investments has been lost without reducing her reparation burden even to the slightest extent. The second difference, which partly results from the first, is the length of time during which payments will take place. In the past indemnities have been paid in a few installments extending over one or two years; German reparation payments, on the other hand, will extend over a period which is still unknown, but which will certainly amount to several decades.² While in the past the direct effect of war indem-

¹ The facts referred to have been mainly gathered from the 1871-73 issues of *The Commercial and Financial Chronicle*. It is quite characteristic of the unlimited optimism of the "boom" period and its inability (or perhaps unwillingness) to observe any developments which might be detrimental to this optimism, that even this very conservative publication commented on these events in the following rather strange fashion: during the whole boom period the attention of the reader was constantly fixed on the increase in British investments, and the decline in French and German investments was not mentioned; on the other hand, after the collapse on the stock exchange in Vienna, which was the first sign of the impending disaster, the journal reassured its readers by pointing out that this collapse could not affect American securities very much (as, indeed, it did not) since a large part of them had already been previously disposed of by the Continental investors.

² These lines were written before the Young Plan had been adopted by the Committee of Experts then deliberating in Paris. The Young Plan provides for fifty-nine annuities, the first thirty-seven of which are to be paid entirely out of Germany's own resources, the last twenty-two to be discharged with the

nities on business conditions (i. e. the effect exercised through the medium of capital supply and interest rate) was of very short duration and only the indirect influence (due to the change in national debt and taxation) persisted through an appreciable length of time, we must now expect both the direct and the indirect effects to persist throughout several decades. The difference in magnitude between these and previous indemnities, on the other hand, makes it fairly⁹ certain that the longer duration of payments will not lessen the intensity of their influence on economic conditions.

The amount of reparations paid by Germany during each year has constituted twenty to twenty-five per cent of Germany's national savings, although it may be expected that this fraction will be smaller in the future. It is therefore safe to predict that the payment of reparations will considerably intensify the shortage of capital which characterized the German economy even before the war and which, since the war, has become much more marked on account of inflation and the losses in productive equipment brought about by the peace treaty. The main effects of reparations on the German economy will be exercised through the medium of restricting capital supply and raising the rate of interest.

The effect of a decline in the capital supply on the "trend" of business activity would be—*ceteris paribus*—to bring about a gradual decline in the volume of production. On account of a factor which we have already mentioned, i. e. technical progress, capital shortage in Germany will result in a check on the growth of the volume of trade rather than in its absolute diminution. The check will be an effective one, however, since a limited capital supply and a high rate of interest will discourage better methods of production in so far as their application necessitates a large outlay of capital. Many investments which would be profitable at an interest rate of five or six per cent

aid of profits accumulated in the meantime by the Bank of International Settlements. The funds set aside for this purpose constitute twenty-five per cent of the bank's earnings remaining after the prescribed payments to the Legal Reserve Fund, the shareholders and the General Reserve Fund have been made. Cf. *Report of the Committee of Experts on Reparations* (His Majesty's Stationery Office, London, 1929), pp. 16-17, 47-48.

become unprofitable at a rate of seven or eight per cent. High taxes and the prospect of having to pay interest and principal in money of higher purchasing power are likely to act as further deterrents. On the other hand, we may expect that a better organization of German business will result in a better utilization of the capital invested, inasmuch as it will prevent capital from being wasted in competitive efforts. In brief, the effect of capital shortage on the trend of business in Germany will be aided and counteracted by the same factors which we have enumerated as determining Germany's future capacity to pay.

Still more marked than its effect on the volume of production will be the influence of capital shortage on the trend of employment. *Ceteris paribus*, it will result in decreasing employment, and in this case this original tendency will be emphasized by the factor of technical progress, since technical progress almost invariably amounts to an increase in the quantity of capital employed per worker. We may thus expect a tendency toward chronic unemployment to persist in Germany during the whole period of reparations, although this tendency will most probably not be apparent during the next decade, in consequence of the relative decrease to be anticipated in the German working population as a result of the decline of the German birth rate during and immediately after the war.

The effect of reparation payments on the short-time or "cyclic" fluctuations of business may be expected to consist in shortening periods of prosperity and lengthening periods of depression. Phases of prosperity will be shortened because the capital funds out of which the increased business activity is being financed will be more quickly exhausted; the phases of depression, on the other hand, will be lengthened because the drain on the country's capital exercised by the current reparation payments will delay the accumulation of funds sufficient to encourage a new expansion of business activity. It is highly improbable that this tendency will be checked by any counter-tendency of appreciable force. On the contrary, it is to be expected that it will be strengthened by the presence of a tendency working in the same direction: the gradual decline

in the price level which is almost universally being forecast for the next decades.

Somewhat less clear than their effect on the duration of the cyclical "phase" is the prospective influence of reparation payments on the amplitude of the "cyclic fluctuations" in Germany. It might be argued, on *a priori* grounds, that they will tend to decrease this amplitude because the chronic capital shortage which they engender will act as a brake on the over-expansion which turns recession into crisis. Apart from the fact that this function of preventing a crisis is already adequately fulfilled by our modern banking system, this analysis would be incomplete inasmuch as it would not take account of the powerful and rather erratic factor of foreign credits. That this factor will work toward increasing the amplitude of cyclic fluctuations in Germany seems probable on theoretical grounds as well as on the basis of past experience. Whenever there is a period of recovery and prosperity in Germany there is likely to be a wave of universal optimism concerning Germany's economic future which will lead foreign capitalists to subscribe heavily to German loans and to invest heavily in German stocks; the reparation problem will be forgotten for the time being. When the tide turns and recession begins the reparation problem will again loom large in the eyes of the investing public, the question whether Germany is able to pay her reparations will again be hotly discussed, and likewise the problem whether Germany's commercial debts hold precedence over her political debts or *vice versa*. All this is liable to lead to a precipitate withdrawal of foreign capital from Germany in times of business recession with the possible consequence of turning recession into crisis. A development of this sort is still more likely to happen if the "transfer clause" of the Dawes Plan should be abandoned, entirely or to a large extent, in any future settlement, because the essence of this provision is to give, in fact if not in law, the first claim on Germany's resources to the private creditor.¹ Experience has shown that

¹ The transfer protection of the Dawes Plan has been retained by the Young Plan, although its form has been modified. Germany is now obliged to pay reparations in foreign currencies (instead of German marks as under the

the Reichsbank alone is unable to control and direct the influx and outflow of foreign capital to any appreciable extent and it seems highly doubtful whether this can be done more successfully by coöperation between central banks; it is more probable that the movement of foreign capital to and from Germany will remain a danger to economic stability in that country, and for this reason extreme care should be exercised in any attempt to alter or abandon the protection of the transfer clause in a future settlement.

Finally, we may expect reparation payments to result in increasing the seasonal^{*} fluctuations of business activity and employment in Germany. The capital shortage which they tend to engender makes hand-to-mouth buying a necessity on the part of wholesale and retail trade. The same factor makes it difficult for industry to maintain its level of activity by producing on stock during slack seasons, so that fluctuations in buying activity are immediately followed by fluctuations in productive activity. Sering¹ is probably right when he points to the large fluctuations which employment in Germany has undergone during each year since the acceptance of the Dawes Plan as a proof of the shortage of capital, although it is very difficult to ascertain just how far these fluctuations have been due to the operation of seasonal forces.

Summing up, then, we may conclude that the tendency of reparation payments with regard to the "trend" of economic development in Germany will be to act as a brake on the long-time rise of productive activity; that the effect on the "business cycle" will tend to lengthen depression and to shorten

Dawes Plan), but she is free to postpone payment on all except the "unconditional" part of her annuities. Whether the figure of this unconditional part—amounting to 660,000,000 marks or about one-third of the total annuity—is really as conservative as the experts hold it to be may be doubted. If the experts have been too optimistic, their mistake will presumably be corrected in time. These payments will not become really unconditional until the part of the German reparation debt represented by them has been fully "commercialized" and "mobilized". This process of "commercialization" and "mobilization" will probably extend over a considerable period during which more will be learned about Germany's capacity to pay than we know at present.

¹ Sering, *op. cit.*, pp. 170 *et seq.*

prosperity, aside from presumably increasing the amplitude of "cyclic fluctuations" through the medium of foreign credits; and finally, that the amplitude of seasonal fluctuations will be increased. In all cases these tendencies will be counteracted by the factor of technical progress, upon which will depend the extent to which these tendencies will become realities.

Turning now to the presumable effects of reparation payments on the neutral and on the creditor countries, it may be expected that they too will differ from those experienced in the past. In the case of the neutral countries the difference will be only a difference in degree: the long period over which reparation payments are extended will generally weaken the tendency toward universal depression which the payments of war indemnities are liable to exercise, since, under these circumstances, the amount of the German export balances and the amount of foreign loans needed for the transfer of reparations will be smaller during each year than it would be otherwise.¹ Nevertheless, it seems fairly certain that the continuous credit demands on the part of Germany will constitute an important factor in counteracting the tendency toward a decline in the interest rate to be expected in consequence of continued capital accumulation and also in consequence of the presumable decline in the price level. We may also predict that German competition on the world market will prove to be somewhat embarrassing to other exporting countries during the next years since Germany's exports will have to be increased by approximately one billion dollars in order even to bring about an equilibrium between her exports and her imports.

¹ The conditions described may or may not be temporarily changed by a commercialization of the non-postponable German annuities. Whether they are will depend upon the form in which commercialization is effected. If it takes the form of a large foreign loan contracted by Germany, we may expect a repetition of events observed in connection with the raising of the French foreign loans during 1871-73. If, on the other hand, it takes the form of internal issues made in the individual creditor countries by way of conversion of government debts, international capital markets would not be immediately affected. In the long run, however, our conclusions will always hold true because the way in which reparation debts are ultimately discharged is not conditioned by the shape into which they have been cast.

² The German import balance amounted to *ca.* 600 million dollars during

If this expansion of Germany's foreign trade is not to be effected at the expense of the other countries, a corresponding increase in the total volume of world trade will have to take place at the same time. Such an expansion of world trade, however, cannot be an isolated phenomenon; it will have to form a part of a general increase in the level of production, which in its turn would have to be traced directly to better production methods, i. e. to technical progress.¹

Coming, finally, to the effects of reparations on the creditor countries, we may expect these effects to be different, in degree and in kind, from those previously experienced by the receivers of war indemnities. Theoretical considerations have led us to conclude that the immediate influence of the payments on business conditions in the creditor countries will vary according to whether the payments are discharged in kind or in money; in the first case the payments would immediately tend to bring about depression, in the second case the immediate tendency would be toward increasing business activity. This theory was actually verified by Germany's experiences upon the receipt of the French war indemnity from 1871 to 1873. Our theory, however, was based upon the assumption that the payment of the war indemnity would be made in a few large installments during a short period of time, and this is what actually happened in the case mentioned. Reparations, however, in so far as they are paid in money, will be discharged by a large number of small installments extending over a long period of years;

the fourth year of the operation of the Dawes Plan; at the same time imports were still *ca.* 400 million dollars below their level of 1913, which must be regarded as the import minimum required by Germany in the long run, on account of the losses in raw materials and foodstuffs which Germany suffered in consequence of the peace treaty.

¹ The connection between the successful working of their reparation scheme and the expansion of world trade has been recognized by the experts in the following very diplomatically worded passage of their report: "Moreover, in so far as the task of transferring the payments into foreign currencies involved, besides a restriction of imports, an extension of German export trade, we envisaged the possibility of a financial institution that should be prepared to promote the increase of world trade by financing projects, particularly in undeveloped countries, which might otherwise not be attempted through the ordinary existing channels." *Report of the Committee of Experts*, p. 9.

the consequence will be that the effect of each installment on the monetary circulation of the creditor country will be insignificant, and moreover, the effect which one installment tends to bring about will be counteracted by the tendency produced by the next installment. The immediate tendency toward raising business activity exercised by a payment discharged now will be neutralized by the final tendency toward reducing business activity due to the installment discharged, say, two years ago. The result will be that the immediate economic consequences of the receipt of reparations will be identical with their ultimate consequences, not only in the case of payments in kind, but also in the case of payments in money. Both methods of payment will immediately tend to reduce business profits and business activity in the creditor countries by increasing foreign competition for their home industries.

The economic mechanism by which this result is achieved will, however, be different in the case of payments in money from that which we have previously analyzed. In previous cases the ultimate decline of profits and economic activity in the country receiving war indemnities was brought about by the decline of its price level which set in when the operation of the "Ricardian mechanism" had again reduced its monetary stock temporarily expanded by the receipt of the indemnity. In the present case the reduction in the business profits of the creditor countries will be brought about in a different way. As long as reparations continue there will be no decline in the price level of the creditor countries; on the contrary, this price level will be—*ceteris paribus*—higher than that of the countries which are not receiving reparation payments. This higher level on which prices in the creditor countries will be continuously kept throughout the entire duration of reparation payments will, after a while, be reflected in higher costs of production for their industries. The same factor will also tend to subject industries in the creditor countries to heavy competition from industries in other countries which do not receive reparations and which, therefore, have (*ceteris paribus*) a lower price level and lower costs of production. This competition will obviously tend to lower business profits in the industries of

the reparation creditors.¹ The immediate and the ultimate economic consequence of reparations will, then, consist in reducing business profits and business activity in the receiving countries, no matter whether reparations are discharged in money or in kind. The difference between the economic results of these two modes of payment is only that in the case of payments in kind a direct influence toward depression is exercised only on those industries with the products of which the payments in kind are competing, while in the case of money payments this tendency affects all industries of the creditor country to more or less the same extent. A second difference between payments in kind and those in money is of a psychological character; it results from the fact that the consequences described are obvious so far as payments in kind are concerned, while they are veiled by the intercession of the monetary factor (the *Geldschleier*) in the case of payments in money. There is only one way to meet this tendency of reparations to reduce business profits and business activity: namely, to diminish costs of production by the improvement of business methods. This is the method which French economists of the liberal school—like the late Yves-Guyot—have incessantly urged French industry to adopt. Whether or not the industries of France or any other creditor country will follow this advice depends upon two circumstances: whether there is a possibility of improving business methods, and whether the entrepreneurs of the country concerned are alert enough to avail themselves of this possibility. In the last resort, therefore, technical progress provides the solution of the reparation problem not only for the debtor and for the neutral countries, but also for the creditor countries.

We have thus found that technical progress is the only factor able to provide an all-round solution of the international

¹ Such phenomena have been observed in all countries importing capital over long periods of time. Cf. Natl. Ind. Conf. Bd., *op. cit.*, pp. 187-88. The disturbing effects of reparation payments, however, are liable to be much more serious than those of capital imports for commercial purposes, for the simple reason that in the latter case the flow of capital adjusts itself to existing economic conditions, while in the case of reparations economic conditions have to be adjusted to a flow of capital brought about by non-economic forces.

debt problem bequeathed to us by the World War; we hold that the same applies also to the problem of internal debts which the war has created. Enlarging the scope of our conclusion we thus state that the problem of international and national debts with which the participants in the late war are faced will be solved by technical progress, if it is solved at all.

If this conclusion should not be readily accepted we may perhaps strengthen our case by pointing to the rôle which technical innovations played in connection with the debt problem bequeathed to the principal European powers by the Napoleonic wars, a rôle which does not seem to be sufficiently appreciated by economists. The relative magnitude of these debts (i. e. their ratio to national wealth) was at that time about equal to the relative magnitude of the present debts, and the problem of how to provide the revenues for their interest and amortization charges was just as baffling for finance ministers at that time as it is for their successors at present. The solution of this problem, however, was not due to the genius of any finance minister, but to the genius of those men to whom we owe the invention of the steam engine, the power loom, the coking process, etc. Their genius was responsible for a rise in wealth and production, and hence in public revenues, which has reached such dimensions that now the annual tax receipts of Great Britain, for example, are larger than her total public debt after the Napoleonic wars. The present debt problem will either be solved in the same way, or it will not be solved at all. The problem of how to effect large foreign payments without losing a substantial part of national savings; the problem of how to receive large "reparations" without suffering a considerable reduction in business profits and business activity; and, finally, the problem of how to provide for the service of a gigantic national debt without imposing a crushing tax burden are, after all, nothing but the age-old problem of how to eat a cake and have it. This problem admits of only one rational solution—which consists in baking two cakes instead of one.

GEORG BIELSCHOWSKY

NEW YORK CITY

THE USE OF THE LABOR INJUNCTION IN THE NEW YORK NEEDLE TRADES I¹

NOT less than 250 applications for injunctions have been made in labor controversies in New York City since 1894 in the State courts alone, and most of these applications have been granted. Nearly one-third of these applications have been made as a result of controversies in the men's and women's clothing trades. Almost all of the injunctions in the clothing industries, however, seem to have been handed down since 1910. Their frequency in these industries is not surprising in view of the prominence of the clothing and allied trades in New York, the frequency with which strikes have occurred in these trades and the very large number of individual employers in an industry which (especially in New York) runs to small-scale units.

Omitting the half-dozen cases involving the furriers and the hatters, record has been found of eighty-two applications made in New York City² since 1894 in controversies arising between manufacturers of men's and women's clothing and their employees. All but five of these cases arose after the year 1909. In twenty-six of these cases no records of any sort were to be found in the official files in the county clerks' offices.³ In eight other cases the data found were so fragmentary that it was impossible to make much use of them. There remain forty-eight cases, all but one originating after 1909, for which

¹ Except where otherwise noted, this article is based upon an examination of the legal papers drawn up in connection with the several actions. Most of the papers used were found in the files of the county clerks' offices. Some not found there were found in lawyers' offices or secured directly from one or the other of the parties. The article presents some of the results of an investigation made by the authors under the auspices of the Columbia University Council for Research in the Social Sciences.

² Seventy-one of the eighty-two cases were in New York County (Manhattan Island).

³ For some of these cases, however, decisions have been published in the law reports. Citations to these are given in the lists of cases which appear below.

fairly complete sets of legal papers were found.¹ Our story rests primarily, then, on the history of this group of cases.

The record of our eighty-two cases shows heavy concentration of this form of litigation in the years 1921 and 1926. In these two years were crowded half of the cases that we know have arisen since 1894. In 1926 there were nineteen cases and in 1921, a year slightly more hectic, twenty-seven. In 1923 there were eight cases; in 1922, six; in 1924 and 1925, five; in 1910 and 1920, three; and in 1913, 1919 and 1927, two. There appears to have been no injunction litigation in the New York needle trades (unless it was in Federal courts) in the years 1911 and 1912, or in the war years, 1914 to 1918, inclusive.

The explanation of the large concentration of needle-trade injunction cases in the year 1921 is to be sought, in the last analysis, in the business depression of that year. The labor policy of most employers—of most clothing manufacturers, at any rate—in that time of slump was to shave direct costs by cutting wage rates, as well as by laying off workers—a program of labor deflation, in other words. The effectuation of this policy precipitated strikes in protest against deflation. The strikes naturally were accompanied by picketing and other acts for the prevention of which the writ of injunction seemed to the employers to be the appropriate remedy.

The defendant against whom the majority of the writs were directed was the International Ladies' Garment Workers' Union, or one or more of its officers and members.² Thirty-four of

¹ No cases were found in Richmond County (Staten Island); one case from the neighboring county of Westchester is included.

² Of the 82 cases of which we could find the titles, 58 involved the International Ladies' Garment Workers' Union, one of its local unions, or one or more of its members. In 24 of the 58 cases no record, or only the most fragmentary record, could be found in the county clerks' offices.

After the manuscript of this article went to the printer, we found two more garment trade injunction cases. Although both of these cases are, in a sense, labor cases, only one of them (*Association of Dress Manufacturers v. Hyman*, N. Y. County, 1927) is a straight employer-employee action. The other case (*Luigi Antonini, President Local 89, International Ladies' Garment Workers' Union v. N. Y. Joint Board of Cloak and Dress Makers*, N. Y. County, 1927) is one arising out of a controversy between different factions in the union.

the forty-eight applications, in the cases for which we have been able to find papers, arose in the women's garment industry. The next most frequent defendant has been the Amalgamated Clothing Workers of America, which has figured in twenty cases. One or the other of these two important organizations, then, is involved in all of the injunction cases here discussed, save only for three, in which the United Garment Workers was the defendant.¹

Application for an injunction during the course of an industrial conflict projects the struggle into the courts. It should be noted, by the way, that this shift or extension of the conflict does not necessarily shut it off in the market arena where first it was precipitated. The struggle in the courts is carried on, of course, by the same judicial rules and by utilization of the same set of legal instruments that are used in injunction cases generally. There is no need, therefore, to outline the process or describe the instruments here.

With a single exception, the complaining parties are employers or representatives of the employer interest. In only two or three cases, moreover, is this employer interest represented in any other form than that of the individual firm or corporation. The exceptions are where the complaining party is formally entered as an employers' association or as an officer of such an association. The single instance wherein the complainant is not an employer (or employers' association) is that of *Schlesinger v. Quinto*,² in which case the plaintiff sues as President of the International Ladies' Garment Workers' Union, the defendant being representative of the employers enrolled in the Cloak, Suit and Skirt Manufacturers' Protective Association. In all of the other cases here reviewed the defendants are representative of the employee (or, more exactly, the trade-union) interest. The labor interest, as a general rule, is formally represented in the actions by the president of a trade union claiming jurisdiction over the workers in the trade.

¹ The International was organized in 1900, the Amalgamated in 1914, and the United Garment Workers in 1891.

² 192 N. Y. Sup. 564; 194 N. Y. Sup. 401.

In a few cases the union, as such, is made one of the parties defendant. There are three unions involved in the forty-eight cases here examined: the Amalgamated Clothing Workers of America (eleven cases), the International Ladies' Garment Workers' Union (thirty-four cases) and the United Garment Workers of America (three cases), the first having jurisdiction over men's clothing, the second over women's clothing (the garment industry) and the third originally having had jurisdiction over the men's clothing industry but now being largely confined to the overall branch of the trade. In two of the eleven cases involving it the Amalgamated Clothing Workers of America is sued in its organization name; in the other nine cases the defendant named is some officer of the organization, usually the president. In two of the thirty-four cases in the garment trade a local union of the International Ladies' Garment Workers' Union is named as defendant; in the remaining cases the president, or some other officer of the union, is named. In all three of the cases involving the United Garment Workers of America that organization is named as defendant.

The manufacture of clothing is carried on in small manufacturing units or shops under highly competitive conditions. In New York, especially, as we have intimated, the industry is marked by the small size of the units. The keen competition makes profit margins narrow and produces a high mortality among the entrepreneurs. The sharp competition makes it necessary to cut costs to a minimum. Among these items of cost is labor expense—wages—to reduce which, where possible, the employer is constantly on the alert. All this means sweated industry—and strikes, in the atmosphere of which injunctions flourish. Although it is probably not true that most strikes are accompanied or followed by injunctions, it is not doubted that most labor injunctions arise out of strikes and virtually all of them out of industrial controversies of some sort. It is not easy to carry on a strike that will be effective without either deliberate or incidental interference with the business of the struck shop and such interference is the nub of the employer's complaint when he asks for injunctive relief. In all of the complaints constituting the initial steps of the forty-eight cloth-

ing trade cases it is set forth that the defendants have "conspired, confederated and combined" "to injure the plaintiffs in the lawful conduct of their businesses, and the means used in such conspiracy are almost without exception described by the words "violence", "threats", "coercion", "intimidation", "fraud" and "force".¹

An analysis of the sections of the complaint bills which set forth the employer's version of the facts and circumstances leading up to the dispute indicates that the following types of situations prevailed at the time injunction proceedings were instituted:

(1) The plaintiff had an individual contract of employment, either "yellow dog" or, much more frequently, the ordinary time contract with each of his employees. There was no dispute among his employees or between his employees and himself. The defendant had due notice of the contractual relations but despite the plaintiff's knowledge the defendant started violent picketing, causing indeterminable loss to the plaintiff. Twenty-one cases reveal this situation.

(2) The plaintiff operated an open shop, making no discrimination between union and non-union workers. The defendant began a unionization program against the plaintiff's wishes, using "violence, threats and intimidation." Nine cases.

(3) Most of the workers employed by the plaintiff were union members. To compel the plaintiff to discharge the non-union members and replace them with union workers, the defendant union called a strike. Five cases.

(4) The plaintiff for one reason or another discontinued the operation of his establishment, which had been operated under a union agreement. On the demand that the plaintiff reopen and operate his shop on threat of serious injury, the plaintiff sought injunctive relief. Three cases.

(5) The plaintiff discharged certain workers. The union demanded that these workers be reinstated. On the refusal of the plaintiff to do so, the defendant called a strike. Two cases.

¹ But it will be noted presently that for the most part these charges are not usually carried over into the decrees themselves.

(6) The defendant union was involved in a dispute with a nearby firm and had instituted picketing. The pickets were asking aid from the plaintiff's employees, causing annoyance to the employees and obstruction to the plaintiff's business. One case.

In forty cases answers were filed by the defendant unions making reply to the allegations in the complaints. More than three-fourths of these answers were simply short absolute denials of the allegations (but not necessarily of all the allegations) made in the complaints. In eight cases the union endeavored to establish a separate defense and in four of these cases went further and charged the employer with violation of an agreement or with attempts to evade the obligations assumed under it. In the remaining four cases the answers consisted of affidavits merely.

To the complaints and answers were attached the customary affidavits for plaintiff and defendant, respectively. It was upon the "evidence" contained in complaint, answer, affidavits and the oral arguments of counsel that the judge, actually or presumptively, reached his decision in the first instance as to whether or not the plaintiff was entitled to injunctive relief.¹ These affidavits were in most cases drawn by parties more or less directly connected with the dispute, a great many coming from employees of the plaintiff who claimed to have suffered injury at the hands of the defendant, and many more from the plaintiff or plaintiffs who recited specific acts of violence committed by members of the defendant union. The defendant affidavits, of course, denied in no uncertain terms the acts recited in the plaintiff affidavits, and in some cases accused the plaintiff of conspiring to ruin the defendant. In almost all cases it is possible to array the affidavits of the plaintiff against those of the defendant and check off absolute contradictions throughout; this condition suggests that the presiding justice

¹ This, of course, refers to the hearing, whereat papers and (usually) oral argument are presented from both sides. Where, as is usual, the judge considers whether to issue an *ex parte* order at the time of original application, he must rest his decision upon paper "evidence" (complaint and affidavits) from the plaintiff's side only.

must decide the case on the basis of something other than the papers submitted. Affidavits may also be included by outside parties, especially, for example, persons having special or expert knowledge of the employer or union organizations party to the controversy or of labor conditions in the industry.¹

The Garment Trade Injunctions

It has been noted that the bulk of the injunctions handed down by the State courts in the New York City needle trades were applied for by employers in the women's garment industry. Since 1900 it appears that no less than fifty-eight applications for injunctions have been made in this industry in New York City, its point of greatest concentration. This is an average of two a year during a period of twenty-eight years. The scene of controversy was set, in all but eight of the fifty-eight cases, on Manhattan Island (New York County). There were two cases in Queens County, two in Westchester County, and one in Kings County (Brooklyn). In three cases the name of the county is not known but in all probability they are in the metropolitan area.

The cases for which fairly complete records were found and on which the discussion in this section is mainly based, are the following:

- 1910 Lesser Kalb Mfg. Co. v. Winchefskey.
- 1919 Levy v. Schlesinger.
- 1920 Piermont v. Schlesinger, 188 N. Y. Sup. 35.
- 1921 Feldman v. Schlesinger.
Richter Bros. v. Friedman.
Lask Mfg. Co. v. Schlesinger.
S. & W. Costume Co. v. Schlesinger.
Schlesinger v. Quinto, 192 N. Y. Sup. 564; 194 N. Y. Sup. 401.
Baum and Wolf v. Schlesinger.

¹ The average number of affidavits submitted in each case was 18 for plaintiff-employer and 16 for defendant-union. The smallest number of plaintiff's affidavits in any case was 4, the largest 107; the smallest number of defendant affidavits was 2, the largest 60.

- Rubin v. Schlesinger.
 Floersheimer v. Schlesinger, 187 N. Y. Sup. 891.
 Cohen, Friedlander & Martin v. Schlesinger.
- 1922 Gilwyne Costume Co. v. Schlesinger.
 Greenberg v. Berlin (Joint Board Dress and Waistmakers' Unions).
 Goodman v. Schlesinger.
 Altman v. Schlesinger, 204 A. D. 513, 198 N. Y. Sup. 128.
 Bonwit v. Schlesinger.
- 1923 Kleinberg v. Sigman.
 Kane Costume Co. v. Sigman. a
 Markowitz Co. v. Sigman.
 Janette Dress Co. v. Ninfo.
 Maegert Undergarment Co. v. White Goods Workers' Union (Kings).
- 1924 Gottlieb v. Sigman (Queens).
 Maisel v. Sigman, 205 N. Y. Sup. 807.
- 1925 Belle Maid Dress Co. v. Sigman.
- 1926 Rosenbaum v. Friedman.
 Lipschitz v. Amoruso.
 Rentner v. Sigman, 216 N. Y. Sup. 79.
 Ira Moss Co. v. Sigman.
 Starr Pleating Co. v. Sigman.
 Bellin v. Millinery Workers.
 Braverman v. Sigman.
 Cairo Dress Co. v. Sigman.
 Tailored Woman Inc. v. Sigman.

Four of the garment-trade cases scarcely run true to form. Only one of the four is among the thirty-four explored cases listed above. It is the case of *Schlesinger v. Quinto* (already mentioned) in which the union secured an injunction against the employers. The other three are less important, so far at least as the present discussion is concerned, since we have been unable, as yet, to find much information regarding them. One was the case of *Sadowsky v. American Cloak and Suit Manufacturers' Assn.* (1923), another union-plaintiff action, apparently. The other two had identical parties, the *United Cloak and Suit Designers v. Sigman* (1926), apparently constituting

in each case an action by the Designers' Association (an employees' organization) against the International.¹

The thirty-four cases which we shall now scrutinize more closely include one case in each of the years 1910, 1919 and 1920, nine cases (one of which is the union-plaintiff case of *Schlesinger v. Quinto*) in 1921, five in 1922, five in 1923, two

¹ The cases for which little or no information could be found are the following (except where otherwise noted, the county is New York):

- 1900 Levy, Inc. v. Rosenstein, 66 N. Y. Sup. 101.
- 1910 Max Schwartz v. International Ladies' Garment Workers' Union, 124 N. Y. Sup. 968.
- Harry Schlang v. Ladies' Waist Makers' Union, 124 N. Y. S. 289.
- 1916 Woolf & Schulberg v. Amalgamated Ladies' Garment Cutters' Union
- 1921 Newport Costume Co. v. Schlesinger
- Seinberg v. Schlesinger (County not known)
- Borgenicht v. Schlesinger (County not known)
- Rost and Yuni v. Ladies' Dress Makers (County not known)
- 1923 Sadowsky v. American Cloak & Suit Manufacturers' Assn.
- C. P. A. Chanel v. Sigman
- Cenacl Dress Co. v. Sigman
- 1924 Sarner v. Sigman
- Schlesinger v. Messing
- 1926 United Cloak & Suit Designers v. Sigman, 219 A. D. 367.
- United Cloak & Suit Designers v. Sigman
- Wilkin, Adler, Inc. v. Sigman
- Kallman & Ehrenreich v. Sigman
- Industrial Council, Cloak Suit and Skirt Manufacturers' Protective Assn. v. Sigman
- Goldmark Dress Co. v. Sigman
- Brenton Dress Co. v. Sigman
- Mt. Vernon Dress Co. v. Sigman (Westchester)
- Ed. Mayer Co. v. Sigman (Queens)
- 1927 Schneider, Shanfosky & Seidman v. Sigman
- Brenner v. Sigman

The one case in 1900, *Levy, Inc. v. Rosenstein* (New York County) may just possibly be the case referred to in Lorwin's history of the women's garment workers. Mr. Lorwin's statement follows: "In the fall of 1899 two firms against which strikes had been declared, the firm of Bonwit & Levy and that of Indig, Berg & Co., jointly applied for and obtained an injunction against the United Brotherhood [of Cloak Makers' Union No. 1 of New York and Vicinity, one of the principal organizations which united, in 1900, to form the International Ladies' Garment Workers' Union]. This was the first injunction used by employers in the women's clothing industry against workers. . . . It had a serious effect on the strikers and further demoralized the union."—Lewis Lorwin, *The Women's Garment Workers* (1924), p. 91. (This book was published under the name of Louis Levine.)

in 1924, one in 1925 and nine in 1926. It is probably not without significance that between 1900 and 1916 we have found trace of no injunctions except the three¹ that occurred in the year 1910. That year marked the culmination in a market-wide strike of a long period of industrial strife in the garment trade and the beginning of a five-year era of peace and amity. In September, 1910, the now famous Protocol of Peace was signed between the Cloak, Suit and Skirt Manufacturers' Protective Association and the Cloakmakers' Joint Board of the International. Similar protocols were entered into in other branches of the women's garment industry in the winter of 1913.

In 1910, during the general strike that preceded the signing of the protocol in the cloak trade, occurred not only the explored case of *Lesser Kalb Mfg. Co. v. Winchevsky* (representing the Ladies' Waist and Dress Makers' Union) but also two of the unexplored cases (*Schwartz v. the International* and *Schlang v. the Ladies' Waist Makers' Union*), of which the former deserves special notice. Max Schwartz was one of the leading members of the Cloak, Suit and Skirt Manufacturers' Protective Association and in the litigation he appears to have acted as representative of that association. Lewis Lorwin, in his history of the International, gives the following recital of the circumstances of this case.

On August 6, [1910] J. H. Cohen, acting for one of the leading manufacturers, applied for a writ of injunction declaring the strike a conspiracy in trade. Justice Lehman granted a temporary injunction restraining the strikers from committing acts of violence and referred the case for argument to Justice Goff. The injunction intensified matters. Morris Sigman, [for] the picketing committee, ordered all his pickets out at once to demonstrate that injunctions held no terror for the strikers. . . .

On August 27 Justice Goff . . . granted an injunction [making permanent the Lehman order, apparently] which declared that the strike was for the closed shop, that it was, therefore, illegal, and that even peaceful picketing was illegal. In the words

¹ Two of which are unexplored cases.

of the *New York Times* it was "the strongest decision ever handed down against labor".¹

Four days after this injunction was made permanent the Protocol of Peace was signed and prominent on the employers' side in bringing this about were Max Schwartz, plaintiff, and Julius H. Cohen, attorney for plaintiff.²

The parallelism between injunction history and strike history is given renewed emphasis in the fact that after 1910 we find not a single injunction case in the New York garment trade until 1916, which year marks the end of protocolism. In 1916 we have a single case³ followed by two years which were, industrially, fairly peaceful and quite injunctionless, not because of the situation in the industry, which, following the eclipse of protocolism, was chaotic enough, but on account of the World War.

After the last war year we have at least one injunction in every year until 1928, in which year there appear to have been no cases. The prosperous years 1919 and 1920 were marked by few strikes and fewer injunctions: we find record of one action in each of these two years. In 1921 they grew on every bush. If we take the depression years 1921 and 1922 as a unit and the year 1926, we find that more than half of our fifty-

¹ Lorwin, *op. cit.*, pp. 191, 193.

² See Cohen, J. H., *Law and Order in Industry*.

³ The unexplored case of *Woolf & Shulberg v. Amalgamated Ladies' Garment Cutters' Union No. 10*, of which the historian of Local 10 has this to say: "In June of this year Local 10 won an important case in a suit brought by the firm of Woolf & Shulberg for an injunction to permanently restrain the union from enforcing its rules against any members employed by this firm. Had the injunction been granted it would have served as a dangerous precedent. A union that cannot enforce its discipline in the shops where members work would be helpless to improve conditions and Local 10 was aware of the importance of the issue. Morris Rotenberg of the firm of Panken & Rotenberg represented the union, contending that when a cutter joined the union, he entered into contractual relations with it, agreeing to obey its rules and regulations. If a cutter entered into a contract with an employer after having joined the union this did not automatically nullify the contract made by the member with the union. This contention was sustained by the Supreme Court, which denied the application made by the firm."—Jas. Oneal, *A History of the Amalgamated Ladies' Garment Cutters' Union Local 10* (New York, 1927), pp. 264-65.

eight cases are concentrated in these two periods, with eighteen injunction suits adorning each. The next most hectic injunction year in the industry seems to have been 1923, which witnessed five struggles in the courts.

The depression of 1921, which extended well into the following year, was marked in the garment as in other industries by numerous wage cuts. The wage reductions led to strikes, the strikes necessitated picketing, picketing provoked injunctions. This form of statement oversimplifies the situation, but in a rough way it is believed to represent the usual relationship between injunctions, economic conditions and union activity. In the New York garment trade in 1921 there were strikes not followed by injunctions, even though they involved picketing. There were causes of strikes other than wage cuts.

On April 22, 1920 [says Lorwin] this association [the Cloak and Suit Manufacturers' Protective Association] addressed a letter to the International in which it claimed that "the high rate of wages and the nonproductivity of the workers made selling prices prohibitive to consumers". The association demanded a "general readjustment of working conditions". Specifically this implied a reduction of wages, the reestablishment of piece work, and a greater freedom to "hire and fire".¹

In February a general strike was called in the dress and waist trade; in the summer there followed "months full of strain and anguish"; in November about 55,000 New York cloakmakers went out on strike. "Thus in December, 1921", Lorwin relates, "about 75,000 workers in the main centers of the industry were waging the most stubborn fight of the post-war period against the attack on the new standards established in the industry during the war and post-armistice boom."²

It was at this juncture that the union applied for and was granted an injunction against the Cloak and Suit Manufacturers' Protective Association, against which, mainly, the New York cloakmakers were striking. This was the case of *Schlesinger v. Quinto* which is (with the possible exception of *Sadowsky v.*

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¹ Lorwin, *op. cit.*, p. 344.

² *Ibid.*, p. 347.

*American Cloak and Suit Manufacturers' Association*¹) the only one of our cases in which an injunction was issued against employers. The application was made on November 28, 1921, and on the following day Mr. Justice Guy, of the Supreme Court, signed an *ex parte* order restraining the employers' association from violating, or attempting to induce the violation of, its agreement with the union. After a hearing on December 12, Mr. Justice Wagner, on January 16, 1922, continued the *ex parte* order as a temporary injunction.² From this decision the Association appealed to the Appellate Division and argument was had on January 24, 1922, after which the decision was affirmed on May 26, 1922. An order of discontinuance was entered on July 17, 1922.

The text of the opinion which Mr. Justice Wagner rendered on the motion for an injunction *pendente lite* (in continuance of the *ex parte* restraining order handed down on November 29, 1921, by Mr. Justice Guy) throws light upon the agreement which lay at the heart of the controversy and which the employers were accused of breaking:

The contract . . . was entered into between the . . . Protective Association . . . and the International . . . Union, . . . on May 29, 1919, to continue operative up to June 1, 1922. This agreement was the culmination of a long-continued economic struggle between the parties, and for the first time recognized in a collective bargaining contract the week-work system in place . . . of the so-called piece-work system formerly prevailing in the garment industry, and provided for a reduction in the hours of

¹ An organization of the contractors or submanufacturers.

² Lorwin says (*op. cit.*, p. 348): "On January 11, 1922, the temporary injunction was made permanent by Justice Wagner." This appears to be an error, since we do not find that this case was brought to trial. The same misinterpretation of the record seems to have been made by James Oneal, who makes the following statement concerning this case: "Public opinion turned against the association and Morris Hillquit, counsel for the International, invited Samuel Untermeyer to join him in pressing a suit against the association. A temporary injunction was obtained which was made permanent in January 1922." (*Op. cit.*, p. 284.) The misrepresentation is due, no doubt, to the looseness with which the terms "temporary" and "permanent" are applied to injunctions.

labor from 48 to 44 hours per week. This innovation the workers regarded as a great stride forward in their struggle to raise their standard of life.¹

On October 25, 1921, the association adopted a resolution that beginning Monday, November 14, 1921, all of its members would operate their factories on the piece-work system. Mr. Justice Wagner was of the opinion that this resolution "contemplated a material breach of said contract" and on this belief his decision turned.

Prior to the issuance of the temporary restraining order efforts had been made by state and federal officials to settle the strike by arbitration, but the injunction, evidently, put an end to these endeavors,² which in any event would probably have failed since the union insisted that the Association had violated the agreement and that no arbitration was possible until the agreement was put into operation once more. On January 16, 1922, the day on which Mr. Justice Wagner, in continuing the *ex parte* order, granted a temporary injunction, "the attorney for the Protective Association, after the injunction had been in force against them for about six weeks, notified the International that the members of the Association would open their shops on the old conditions. On January 17, 1922, the New York cloak strike was over."³ As to the effectiveness of the injunction in *Schlesinger v. Quinto*, Lorwin thinks it "hardly debatable that the outcome of the [1921] strikes was determined by the . . . injunction. . . ."⁴

James Oneal has the following comment on *Schlesinger v. Quinto* :

This was the first time in American industrial history that an injunction was obtained by a trade union against an organization of capitalists and it became a notable incident in labor history. Hillquit declared that "class conscious workers are justly opposed

¹ *Schlesinger v. Quinto*, N. Y. Sup. Ct. (1922). 117 Misc. 735.

² Lorwin, *op. cit.*, p. 348.

³ *Ibid.*, p. 349.

⁴ *Ibid.*

to government by injunction" but "the most promising and effective means of curtailing or abolishing the use of injunctions in labor disputes is to endeavor persistently to turn it against employers". He pointed out that a pro-capitalist organ, the *New York Times*, had begun to doubt "the efficacy of injunctions in labor disputes."¹

In the opinion from which we have already quoted Mr. Justice Wagner comments upon the significance of an application by a trade union for an injunction against employers of its members:

While this application is novel, it is novel only in the respect that for the first time an employees' organization is seeking to restrain their employers' organization from violating a contractual obligation. It is elementary, and yet sometimes requires emphasis, that the door of a court of equity is open to employer and employee alike. It is no respecter of persons—it is keen to protect the legal rights of all. Heretofore the employer alone has prayed the protection of a court of equity against threatened irreparable illegal acts of the employee. But mutuality of obligations compels a mutuality of remedy. The fact that the employees have entered equity's threshold by a hitherto untraveled path does not lessen their right to the law's decree.

The large number of injunction cases in 1926 seems to have developed mainly as a result of activities of the Communist or left-wing group which had by this time attained no little strength in the industry and which, after securing control of the Union's New York Joint Board, called a general strike in the cloak and suit branch of the industry on July 1, 1926. This strike was called in protest against the recommendations of the Governor's Advisory Commission, appointed in 1924 to investigate conditions in the New York cloak trade. The Commission made its final report and recommendations in May, 1926. The report suggested the assignment of greater powers to the impartial chairman, the establishment of an unemployment insurance fund and of an employment office in connection therewith, the

¹ Oneal, *op. cit.*, pp. 284-85.

increase of weekly minimum wage rates by amounts ranging from \$2.50 to \$6.00, amendment of existing contracts with a view to more effective dealings with non-union shops, more effective methods for extending the use of the "Prosanis" label and permanent continuance of the bureau of research, originally instituted to aid the Commission in its studies.¹ President Sigman of the International and most, if not all, of its General Executive Board favored acceptance of the Commission's recommendations. But the New York Joint Board, then under Communist control, opposed acceptance of the Commission's report and on July 1, 1926, called out 40,000 cloakmakers. The strike was settled by arbitration late in December, 1926. The strike was, on the whole, disastrous, in that the union was obliged finally to accept terms less advantageous to it than had been the Commission's recommendations. A number of small shop strikes also occurred during 1926.

We turn now to a general analysis of the thirty-four garment-trade cases for which we have found legal records adequate for analysis. Three aspects are important: the disposition made of the application by the court, the length of time consumed by the litigation, and the nature of the activities of which the plaintiff employers complained.²

Ex parte orders were issued in immediate response to twenty-one of the thirty-four applications. These *ex parte* or preliminary restraining orders are issued on presentation of the application (consisting of the plaintiff's bill of complaint and accompanying affidavits) and without notice to, or opportunity for explanation or defense by, the party complained against.³ In the remaining thirteen cases the defendant union or its members were not subjected to restraint until after they were notified of the complaint and had been heard in their own defense, and even then, of course, they were not restrained unless, in the court's

¹ 23 *Labor Review* 34 (July, 1926).

² A fourth aspect, no less important, dealing with the contents of the decrees or acts enjoined, will be discussed in the concluding installment of this paper.

³ It appears that the number of *ex parte* orders granted closely corresponds to the number specifically requested; in a minority of the cases they are refused even when asked for, and plaintiff must wait for hearing.

opinion, the evidence contained in the complaint, the defendant's answer and the affidavits accompanying complaint and answer was found to justify such restraint pending further proceedings (*pendente lite*) in the way of a trial on the merits of the controversy or an appeal to a higher court, or both trial and appeal. So it would seem that in labor injunction cases in the New York garment trade the defendant union's chances of escaping immediate restraint without notice are about one in three.¹

The number of *ex parte* orders does not, however, give us the whole measure of the likelihood of immediate injunctive restraint. Obviously, restraint may come in the form of a temporary injunction after hearing, as well as in the guise of a preliminary restraining order before hearing. Among the thirty-four cases here being considered there were nine (among the thirteen not marked by *ex parte* orders) wherein, after hearing, temporary injunctions were issued.² This means that in thirty cases out of thirty-four the defendants were sooner or later subjected to injunctive restraint. So while the chances the New York garment workers have of escaping *ex parte* restraint when their employers choose to ask for it are one in three, their chances of entirely escaping injunctive restraint are only one in eight. The four cases which are distinguished by the defendants' complete escape from injunctive restraint were all litigated before 1923.³ Since 1922, then, not one of our explored labor injunction cases in the New York garment trade failed to provide, soon or late, some injunctive relief.

Another important aspect of these proceedings is the fate of

¹ One of the *ex parte* orders was that issued for the union against the employers in *Schlesinger v. Quinto*. Whether, given numerous cases of this type, the employer's chances of escaping immediate restraint would be equally slim, we have no means of knowing.

² In one of these cases (*Altman v. Schlesinger*) the injunction was not issued until after hearing, trial and appeal. On hearing, injunction was denied. This decision was affirmed at the trial, but on appeal the trial decision was reversed and (permanent) injunction granted.

³ *Lesser Kalb Mfg. Co. v. Winchefskey* (1910); *Feldman v. Schlesinger* (1921); *S. & W. Costume Co. v. Schlesinger* (1921); *Gilwyne Costume Co. v. Schlesinger* (1922).

the *ex parte* orders when put to the test of a hearing at which the defendant submits his answer and affidavits and at which, while there are no witnesses or cross-examination, he may be represented by counsel. Fourteen of the twenty-one *ex parte* orders mentioned above were continued after hearing, six were vacated and one¹ marked off the record without a hearing. If the judgments responsible for these vacations after hearing are sound, it would seem that in the New York garment industries not less than one-third of the *ex parte* orders handed down in labor cases have been improvidently issued. Moreover, post-hearing proceedings in some of these cases appear to make the matter even worse, for of the eight *ex parte* cases which were appealed or taken to trial after being affirmed at hearing, three were reversed—two at trial and one on appeal after an affirmance at trial. It would appear, then, that ultimately, not fourteen but only eleven of the twenty-one *ex parte* orders remained vindicated after proceedings had run their course. This may well warrant the conclusion that the experience of the past eighteen years in the New York garment trade indicates that about half of the *ex parte* injunctions issued in this industry and market were improvidently issued.

Incidental reference has been made to post-hearing proceedings. Thirteen of our thirty-four accessible garment-trade cases were either tried or argued on appeal, and two of the thirteen were tried and then appealed. There may have been others, but there is nothing in the available papers to show more than notices of appeal or of trial that were never followed up. Not one of these cases went to the Court of Appeals. Six cases went to trial: five of these involved *ex parte* orders that had been continued; two were reversed after trial and the injunctions set aside; three were affirmed, but one of the three was appealed and had the trial judgment reversed and the injunction set aside.² One of the six cases going to trial was an action in which there was no *ex parte* order and in which a temporary injunction was denied at hearing. At trial the decision after hearing was affirmed and still no injunction issued.

¹ *Bellin v. Millinery Workers* (1926).

² *Rentner v. Sigman* (1926).

Appeal was taken to the Appellate Division where both previous decisions were upset and an injunction duly issued.¹ Seven cases were appealed, five direct from hearing and two, already referred to, after trial: three of the five appeals resulted in affirmance of *ex parte* orders that had been continued at hearing, one in affirmance of a temporary injunction granted at hearing, and one in the reversal of such a temporary injunction. Only four of the thirty injunctions which came into existence as a result of the thirty-four applications here examined ever became permanent,² and one of these (*Moss v. Sigman*) was upset on appeal. This showing, we think, is not without significance, revealing as it does a situation in which the garment manufacturers appear to get through preliminary restraining orders and temporary injunctions all the relief they would get if they had permanent injunctions. This is the more striking when one takes into consideration the fact that it is taken to be a settled principle of equity jurisprudence that "a temporary injunction will not issue in any case where such temporary injunction will give to the plaintiff as a matter of substance, the full relief which he wants and would get if he successfully prosecuted his action and obtained a permanent injunction."³

One of the features of equity procedure about which there has been much complaint is the speed, or lack of it, with which the equity courts dispose of labor injunction cases. Labor officials have repeatedly claimed that there is much unnecessary postponement of proceedings. They say that when an employer gets an *ex parte* order their strike activities are held up so long before a hearing that by the time a decision does come down, even though it should vacate the restraining order, their strength and morale have been so broken in the interval that they are unable to continue the strike and must accept defeat.

¹ *Altman v. Schlesinger* (1922).

² *Altman v. Schlesinger* (1922); *Rosenbaum v. Freedman* (1926); *Rentner v. Sigman* (1926); *Ira Moss Co. v. Sigman* (1926).

³ *Interborough Rapid Transit Co. v. Wm. Green et al.*, *Brief for Defendants* (New York: Workers' Education Bureau Press, 1928), p. 147. See cases there cited.

On the charge of unwarranted postponement the cases seem to throw no clear light. The writers incline to the belief that there is much postponement, not all of it warranted, probably—and certainly shared in by both plaintiffs and defendants, but in what proportions they are at a loss even to guess. We have been able, however, to calculate from the county clerks' records for thirty-three of our thirty-four garment-trade cases¹ the number of days elapsing between the issue of summons and complaint and the decision on the temporary injunction. The median time for the twenty *ex parte* cases for which dates were found was 33.5 days; for the thirteen cases which were not featured by *ex parte* orders, the median time was 28 days. The range in the *ex parte* group is from 8 days in *Levy v. Schlesinger* to 300 days in *Bellin v. Millinery Workers*; in the other group it is from 13 days (*S. & W. Costume Co. v. Schlesinger*) to 71 days (*Piermont v. Schlesinger*).

Of equal importance is the question of the length of time that injunction orders actually are in force. Of the thirty injunctions resulting from the thirty-four applications, there were eighteen for which the record contained definite, dated, terminal papers representing, for example, an appellate decision vacating an injunction, an order of discontinuance, trial reversal of a hearing order granting an injunction, etc. The length of time these eighteen injunctions were (nominally) in force ranged from 7 days (*Levy v. Schlesinger*, 1919) to 2,330 days (*Rubin v. Schlesinger*, 1921). The median is 211 days and half of the cases range between 30 and 345 days.

In the twelve remaining cases the life of the injunction cannot be completely measured since in these cases the record ends with a decision after hearing granting a temporary injunction; with a decision continuing an *ex parte* order; or with a decision after trial or on appeal affirming an earlier decision which had granted an injunction. No order of discontinuance

¹ Dates are missing in the record for the case of *Lipschitz v. Amoruso* (1926).

² The arithmetic means were 49 days for the *ex parte* cases and 35 days for non-*ex parte* cases. Here, however, the *ex parte* group average is unduly affected by the case of *Bellin v. Millinery Works*, where the time was 300 days, the next longest period being only 74 days.

appears; probably none was made; and all that one may know from the record of the length of life of the injunction is the time between the date of original issue of the order and the date of the latest judicial affirmance or modification of it. In three of the twelve cases we know nothing of the life span of the injunction since there was no *ex parte* order and the proceedings ended, so far as the record shows, with the granting of an injunction upon hearing. In the other nine cases we have certain minimum periods through which we know the injunctions were, at least nominally, in force. They may have been in force much longer and the probability is that they continued in force technically without limit of term but, with the fading out of the original controversies, became quite devoid of any substantial reason for existence. The *minimum* periods during which these nine injunctions were in force ranged from 15 to 326 days.¹

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¹ Two cases which had somewhat checkered careers may be recapitulated separately:

Harry Rubin v. Schlesinger. Summons and complaint dated February 24, 1921. Defendant answered on March 4, hearing was had March 10 and decision granting temporary injunction was handed down March 23. The order enjoined (1) any acts injurious to plaintiff, (2) inducing plaintiff's employees to leave their employment or to join defendant's union, and (3) picketing or congregating at or near plaintiff's place of business. The case was noticed for appeal by the defendant on April 22 and noticed for trial on November 10, 1921, but it evidently went neither to appeal nor to trial. An order of discontinuance is entered as of November 17, 1927. Injunction in force 2,330 days.

Sam Altman v. Schlesinger. Summons and complaint, March 15, 1922; defendant's answer April 3; hearing April 5; decision refusing injunction June 21; notice for trial (no date given); trial, July 1, decision again refusing injunction, July 6; notice of appeal to Appellate Division, July 31; argument on appeal, December 1; decision reversing both previous decisions and granting injunction February 9, 1923; case marked off calendar February 27, 1925. The injunction forbade (1) picketing or instigating persons to picket in any manner whatsoever, and (2) hampering or hindering free dispatch of plaintiff's business in any manner whatsoever. Injunction in force 748 days.

NOTE: This article will be continued in a future number.—En.

HOUSE OF LORDS REFORM SINCE 1911

STANDING in contrast to a House of Commons which has been gradually transformed into a democratic assembly, the House of Lords has remained as a vestige of feudalism in the government of England and, still awaits the reforms so often proposed.¹

Proposals to reform the House of Lords must necessarily deal with either the composition or the powers of the House. Either the House of Lords must cease to be coördinate in legislative power with the House of Commons, or membership in the House of Lords must cease to be largely on a hereditary basis. In general, the friends of the House of Lords have wished to change its composition; the foes, its powers. The great reform of 1911, based on much earlier proposals of James Mill,² left the composition of the House untouched, but restricted its powers. All parliamentary proposals for its reform made since 1911 have been made by the Conservative Party, and have been concerned with changing its constitution in order to restore its powers.³

¹ The best discussions of nineteenth-century reform proposals will be found in Lord Morley's *Life of Gladstone* (1903), Sir Algernon West's *Private Diaries* (1922), and L. O. Pike's *Constitutional History of the House of Lords* (1894). The best accounts of the preparation for and passage of the Parliament Act of 1911 are in J. A. Spender's *Life of Sir Henry Campbell-Bannerman* (1924) and Lord Morley's *Recollections* (1917).

Many books were written, during the constitutional struggle which ended in 1911, on second chambers with special reference to the House of Lords. Drawing their arguments as they did largely from contemporary governments, they are of little value or interest today, since most of them are partisan documents. The best is Harold W. V. Temperley's *Senates and Upper Chambers* (1910). Recently a number of books of some value have appeared on the subject of the House of Lords and its position as a second chamber. H. B. Lees-Smith's *Second Chambers in Theory and Practice* (1923) and G. B. Roberts's *The Functions of an English Second Chamber* (1926) are the best. Sir John Marriott's *The Mechanism of Government* (1927) contains an excellent contemporary picture of the Conservative attitude toward the subject.

² Transmitted through John Bright's proposals of 1883, as Lord Morley explains. Morley's *Recollections*, vol. I, pp. 198-99.

³ Here and throughout I use the name "Conservative" for the great party

The Parliament Act of 1911 was an attempt to reform the constitution of England by giving the final voice in all matters of consequence to the representatives of the people, while leaving to the peers as representatives of long-established privilege the power to retard the effectuation of the people's desires. In fact the Parliament Act was a compromise between the believers in completely popular government and those who distrusted the people. Its passage was a party measure, the Conservatives upholding privilege, and the Liberals and the Labour Party acting to increase the power of the House of Commons. The Parliament Act did not, unfortunately, settle forever the position of the House of Lords. The Liberals were enabled to pass some of their most important legislation over the suspensive veto of the Lords, the only veto it had left, but they discovered that the Parliament Act was working so as to give them a free hand only during the first two years of each Parliament, and only in matters so important that their majority could be kept of precisely the same mind for two years. The Unionists, no longer able to block legislation altogether by their control of the House of Lords, transferred their fight to Ulster, but, even so, longed to restore the absolute veto which the Lords possessed before 1911.¹ Meantime, the anti-hereditary feeling in the country grew, especially among those classes which were transferring their political allegiance to the Labour Party, and there came to be a wide acceptance of the idea of a one-chambered Parliament.

After 1911 the next stage in the history of the reform of the House of Lords was an academic interlude during the War of 1914. "Most Conservatives and many Liberals thought that this state of things could not continue", writes the biographer of Lord Bryce, "and that the abeyance of party strife during the war offered a happy opportunity for the solution of the problem."² Mr. Fisher's choice of quantitative adjectives is a

whose members call themselves sometimes Unionists and sometimes Conservatives. Of recent years there has been a tendency to restore the name Conservative in formal use.

¹ It has to be remembered that throughout the last fifty years the House of Lords has had a huge and constant Conservative majority.

² H. A. L. Fisher, *James Bryce*, vol. II, p. 169.

happy one. Equally happy, from the point of view of the Conservatives, was the choice of Lord Bryce to lead a commission to report on the reform of the second chamber. Lord Bryce, a former Liberal politician, keenly interested in the study of constitutions, had grown conservative, as the tendency is, with advancing age. A committee of thirty members of the two Houses, representing all shades of thought, but somewhat weighted in favor of the old order, was chosen, and during the days of the war it conducted its calm deliberations under Bryce's leadership. A sort of appearance of harmony has been lent to its supposed conclusions by the fact that we have what is usually known as its "report". In fact, its members disagreed on every point of importance, and after they had met as often as they wished and had found themselves unable to agree upon a report, Lord Bryce wrote a letter to the prime minister giving a summary of such views as had been discussed by the Commission and seemed to have been at all generally held by its members. In fact the Commission did little more than reargue peacefully the old points of dispute, and continue to disagree upon important points. They seem to have agreed to widen the basis of membership of the House of Lords beyond the hereditary peerage, but as to how the non-hereditary peers were to be chosen, they could not agree. They seem to have agreed as to the desirability of some way of settling disputes between the two Houses other than the arrangement of 1911. Two possibilities offered: a referendum to the people, and a joint sitting or so-called "Free Conference" of selected representatives of the two Houses. The latter was the more popular with the Commission, but otherwise would have probably suited only the Conservatives. For it would have provided a "Third Chamber which, when disagreement arises, becomes greater in power than the Second and equal in power to the First."¹

¹ H. B. Lees-Smith, *Second Chambers in Theory and Practice*, p. 233. Mr. Lees-Smith, once a Liberal M. P. and now a member of the Labour Government, has in this book written the best discussion of the work of the Commission. He says he examined the records of the Commission, but that they tell little more than Bryce's letter. The point of view of one Liberal member of the Commission, Sir Charles Hobhouse, is given briefly in the *Contemporary Review*, vol. 132, pp. 148-49 (August, 1927).

Though the Commission could not agree, though its suggestions were probably impracticable, and though its "report" was received with extreme lack of interest by the public, its suggestions have gained an adventitious importance from the fact that they are the only professedly nonpartisan proposals of House of Lords reform ever made. Consequently every subsequent reform suggestion has drawn support from the supposed proposals of the Bryce Commission.¹

After the war was over, certain changes of attitude in regard to the House of Lords were evident. The House of Commons had lost in general esteem during the war; the House of Lords had gained. The two opposition parties, in particular, found that the wartime House of Lords, in contrast with the House of Commons, permitted freedom of discussion. As Lord Buckmaster, an advanced Liberal, said in 1922, "there is in this House an opportunity for speech upon all subjects which is denied in another place."² One consequence was that when Labour came to form its first ministry in 1924, it made no suggestion that reform or destruction of the House of Lords was in its program. Whatever Labour in the country may feel, the Parliamentary Labour Party looks at the House of Lords, now that its power is limited, as at least a potential bulwark of freedom.³

¹ The "Report" is a *Parliamentary Paper*, Cd. 9038 of 1918. Fisher, *op. cit.*, vol. II, pp. 168-73, gives a good account. The ordinary unthinking Conservative point of view is expressed in Sir John Marriott's *Mechanism of Politics* (vol. I, p. 430): "From the Report of the Bryce Committee any reconsideration of the question must take its start."

² 49 *House of Lords Debates*, 5th Series, 48, February 7, 1922.

³ The practical attitude of the Labour Governments toward the House of Lords has been assumed with distinct political skill. Such representation as they have needed in the Lords, in order to give the upper House its due representation in office, has been secured partly from the peers (about eight in number) who have joined the Labour Party, and partly by the making of a few new Labour peers. The MacDonald ministry of 1924 created three peers for official purposes, Lords Arnold, Olivier and Thomson. The MacDonald ministry of 1929 created two official peers upon taking office, Mr. Justice Sankey, the Lord Chancellor, and Mr. Sidney Webb, the secretary of state for the dominions. There are no heirs to any of these peerages. The Labour ministries thus accomplished two ends. They caused themselves to be represented in the

But while Asquithian Liberals and Labour members were learning to appreciate the virtues of the upper House, most Conservatives were growing more and more afraid of "advanced" policies. With the growing strength of Labour since the war, a great many Conservatives sincerely believed that only the House of Lords stood between the country and revolution. At the same time the economic forces behind the Conservative Party were changing. From being a party of landowners, it has become the party of bankers, industrialists and big business men. Its new leaders are not primarily interested in a hereditary House of Lords, which they are inclined to consider both old-fashioned and inefficient. But they are very anxious to preserve capitalism and the economic privileges of the well-to-do. The stage was set, therefore, for an attempt to make the House of Lords more powerful, in return for which the principle of hereditary membership would be given up.

The first attempt at this sort of reform was made during the coalition ministry of Mr. Lloyd George. In appearance the attempt, being supported by the ministry, was non-partisan; in fact it was backed by the Conservatives in the ministry. Resolutions prepared by a cabinet committee presided over by the Marquess Curzon were introduced into the House of Lords on July 18, 1922, and debated for several days. It was at that time too late in the session to expect action on the resolutions, however acceptable they might prove to be to the House.¹

Lords by persons of ability, wealth or social position entirely the equals of peers who had belonged to Conservative ministries. And they begged the question as to whether the Labour Party would act to perpetuate a hereditary upper House. (It has of course been pointed out that childlessness is of all qualifications for becoming a peer the most irrational.)

In July, 1929, the Labour Government created two unofficial peerages. One of the men ennobled has children.

¹ A preliminary skirmish had taken place in February, when the King's Speech, in a fashion similar to the King's Speeches of 1920 and 1921, had announced that "proposals will be submitted to you for the Reform of the House of Lords and for the adjustment of differences between the two Houses." (49 *House of Lords Debates*, 5th Series, p. 3, February 7, 1922.) The Earl of Pembroke, a Unionist, in moving the address, spoke of the desirability of the subject's being dealt with by the present non-party Government. The Marquess

The proposals were :

(1) The House should be composed of :

- (a) peers of the Blood Royal, Lords Spiritual, and Law Lords,
- (b) members from outside, elected either directly or indirectly,
- (c) hereditary peers elected by their own order,
- (d) members nominated by the Crown, the number to be determined by statute.

(2) Except for peers of the Blood Royal and Law Lords, every member of the House should hold membership for a term of years to be fixed by statute, but should be reëligible.

(3) The House should consist of about 350 members.

(4) The House should not have power to reject a money bill, but a joint standing committee of both Houses should have final power to decide what is a money bill. This committee should be composed of seven members of each House, with the Speaker as chairman.

(5) The provisions of the Parliament Act allowing the passage of bills without the consent of the House of Lords should not apply to future changes in the House of Lords.¹

The reception of the proposals was hostile outside the House of Lords and frigid within. Nobody seems to have been satisfied with the proposals, and indeed, as the Marquess of Crewe said, the Government itself seemed to have been unable to agree upon any of the crucial details.

The greatest difficulty was what to do in case of a dispute between the two Houses. Here the Bryce Commission had

of Crewe, a Liberal, leader of the Opposition, issued a warning which is thoroughly characteristic of Liberal thought :

"Of one thing, however, I am quite sure," he said, "namely that it would be worse than useless to attempt to set up a Second Chamber as a solid bulwark of property against attacks which may be made upon property, whether property in land, or in money, or in anything else, by some party at some future date. If the institution of property is to be safeguarded from attacks by those who hold what we call wild views on the subject, it can only be by convincing the majority of the people that those wild views are wrong." (*Debates*, pp. 17-18.)

¹ 51 *House of Lords Debates*, 5th Series, pp. 324-25.

made a suggestion, if a poor one, but the Government's resolutions suggested nothing. The Conservatives, who wanted action, thought that the Government should have made definite proposals as to methods of election of the elective members; here was one of the points on which the Bryce Commission had been unable to agree. Many supporters of the Government were disappointed because it did not propose to restore the Lords' pre-1911 veto over ordinary legislation. Non-Conservatives distrusted the suggestion of a committee to decide what were money bills, since the seven peers on it were certain to be Conservatives. To liberal-minded persons the worst proposal of all was the suggestion to give special protection to the House of Lords so that neither its constitution nor its powers should ever again be changed without its consent. This would make impossible any future proposal to overcome the Lords' opposition by a creation of peers—a power which had been necessary in 1832 and 1911 alike. This last proposal, though the most important, was not much discussed by the Lords themselves, though it became the heart of the 1927 proposals. It was more than reactionary, since it would have resulted in a House of Lords more independent than the House of Lords had ever been before.¹

The debate was held. There were sufficient indications that Conservatives both in the House and in the country were avid for a House of Lords stronger and not less Conservative than the existing one. And then, owing at least ostensibly to the lateness of the session, the subject was dropped.²

¹ The debate will be found in 51 *House of Lords Debates*, 5th Series, pp. 524-69. It is discussed in Lees-Smith's *Second Chambers*, in the *Annual Register* for 1922 (pp. 83-85), and particularly in an article by Mr. Lees-Smith in *Economica*, vol. III, pp. 98-102 (June, 1923).

² A good example of the attitude of the Conservatives in the country is furnished by Mr. Harold Cox, editor of the *Edinburgh Review*, whose articles have appeared frequently and whose comments are vigorous as well as revealing. In April, 1922, he wrote that a Labour Party with a majority might in their first session pass laws abolishing the House of Lords, the throne, etc., so that in two years the ancient institutions of the land would be gone. "Those suggestions may to some people seem fantastic, but they are entirely consonant with the spirit habitually displayed by large numbers of trades-unionists since the unions

The Coalition Government fell, and Mr. Bonar Law became prime minister of a purely Conservative Government with a Conservative House of Commons. During the general election of 1922, and later on in Parliament, the spokesmen of the Government stated that there would be no time to consider House of Lords reform for two sessions.¹ The Conservative Government fell before the appointed time arrived, and the next consideration of the matter was in March, 1925, after the Labour Government had fallen and the Conservatives had returned to power with a large majority and a strong sense of party solidarity.

In March, 1925, the Duke of Sutherland asked if the Government were prepared to introduce legislation for House of Lords reform, as they had suggested during the recent election. An interesting debate followed, revealing many varieties of opinion. The duke seemed to fear what a Labour Government would do if it should come into office backed by a House of Commons majority. "I believe that an unreformed hereditary House on present lines would not be endured for six months by a real Labour Government with a clear majority and full powers; it would be abolished altogether by means of the Parliament Act." Therefore he urged the Conservative Government to take action; he doubted if any Government after the present one could carry the reform if it wanted to.² In

came under the control of the socialists. At any rate, so long as the Parliament Act of 1911 remains unrepealed or unamended, any unscrupulous party that succeeds in snapping a majority at a general election will have power to pass into law any measures that it chooses to put forward, regardless of the well-being or the wishes of the country." These dangers "can only be avoided by re-establishing the veto of the Upper House and by so reforming that House that it will not be afraid to use its veto." (*Edinburgh Review*, vol. 235, p. 398.)

A few months later Mr. Cox suggested that "a purely partisan second chamber may be itself a national danger." (*Ibid.*, vol. 237, p. 201, January 1923.) But all his suggestions would lead inevitably to a permanently Conservative second chamber as the only bulwark against revolution.

¹ 52 *House of Lords Debates*, 5th Series, pp. 261 *et seq.* (December 5, 1922). See also *Edinburgh Review*, vol. 237, pp. 196 *et seq.* (January, 1923). For a further discussion in the House of Lords, on a motion of Lord Newton on March 22, 1923, see the *Annual Register* (1923), p. 33.

² 60 *House of Lords Debates*, 5th Series, p. 691.

other words, the duke thought that it was the last opportunity that would ever occur to preserve the Constitution. Presumably he wanted the House of Lords reformed, and then, in the spirit of the fifth resolution of 1922, made permanently unreformable.

Lord Haldane, the Labour Party's leader in the House of Lords, suggested that the best solution for the problem, since attempts to reform had been made ever since 1888 and had broken down, was to let time settle the matter. The House of Lords had become responsible to public opinion. It had been very good to the recent Labour Government (in which he had been Lord Chancellor). "Let well alone. Things are not worse than they were; they are better than they were."

Lord Oxford and Asquith, the Liberal leader, spoke of his belief in the necessity of a second chamber and stated with his customary clarity his view of its proper functions.

I think the Second Chamber in this country—from which I entirely agree authority in finance ought to be removed, as it has been—ought to have legislative initiative in all matters which are not covered by that exception. I think, further, it ought to have . . . the power of free, untrammelled, independent criticism of the policy and action of the Executive of the day . . . [it] ought to have, as it was our intention in the Parliament Act that it should have, the freest and fullest powers of revision, of consultation, and, within reasonable limits, of delay.

Lord Cave, speaking for the Government, agreed that things could not be left as they were. The situation with money bills was bad. There was danger in regard to other bills. He suggested that the Parliament Act had never really been tried out, only two bills having become law over the veto of the Lords, one of which had been at once amended, and the other repealed.¹ He seemed to like the idea of a referendum for the

¹ The best brief account of the actions of the House of Lords in regard to distinctively Liberal legislation just before and just after the passage of the Parliament Act in 1911 is in the second volume of Lord Oxford's *Fifty Years of British Parliament*. Lord Oxford shows clearly that the very existence of the Parliament Act restrained the House of Lords from a consistently obstructive attitude in regard to legislation which the Conservative Party disliked.

settlement of differences between the Houses. For the Government, he promised that the prime minister would appoint a committee of the cabinet to consider the matter.¹

Other speeches were made, the Conservatives suggesting that a stronger House of Lords was desirable, the Liberals and members of the Labour Party that things were well as they were. The Earl De La Warr, a very young nobleman of bluest blood, widest acres, and uncompromising socialism, at the close of the debate asked the Government whether their intention was to disguise the House so that it could regain its old powers, or to give England a really democratic second chamber. Why, he asked, do the Lords assume that their House could never be in sympathy with the Labour Party, unless because Lords vote only in favor of their own interests?²

Again it seems to have taken a cabinet committee a long time to discuss a much discussed matter. There continued to prevail a general conviction that the Government did intend to carry some measure of House of Lords reform before the end of the Parliament elected in 1924. Indeed the matter was considered one of their deepest concerns. But they put off announcing any plan.

Suddenly the question was revived—by accident, if we can believe the actors—and brought to a dramatic and final crisis. In 1927 notice was given in the usual way by Lord FitzAlan of Derwent that he intended to move a resolution:

That in view of the long standing declarations of Ministers that reform of the Second Chamber of the Legislature is of urgent importance to the public service, this House would welcome a reasonable measure limiting and defining membership of the House and dealing with the defects which are inherent in certain of the provisions of the Parliament Act.

¹It is worth noting that three committees within ten years considered precisely the same subject: first the non-partisan Bryce committee, then a cabinet committee of the Lloyd George Coalition, reporting in 1922, and finally this third committee, a cabinet committee of the Conservative Government. (Its report is discussed below.)

²The debate is in 60 *House of Lords Debates*, 5th Series, pp. 685-982. See also the *Annual Register* (1925), pp. 33-35.

June 20 was set as the date on which the resolution would be debated. It was the heart of the social and political season, but what the public expected was an academic debate, much like those of 1922 and 1925. What occurred was the sudden intervention of a spokesman for the Government, who announced a program for immediate legislation. Lord FitzAlan was not a member of the Government, and afterwards denied having known that the Government intended to take over the debate. Otherwise, since Lord FitzAlan had been chief Conservative whip in the House of Commons from 1913 to 1921, he would have been suspected of friendly connivance with the Government in letting them use his private member's motion as a convenient springboard for their proposals of legislation.

At any rate, when Lord FitzAlan spoke on behalf of his resolution, he made a rather general speech rehearsing the conventional Conservative views which previous post-war debates had made known. He urged a reorganized House, with elected members, and some nominated members, to ensure, among other things, an adequate Labour representation in the upper House when Labour should be in power. When he came to consider the question of the powers of the second chamber, he agreed that they must be of necessity, and ought to be, less than those of the popularly elected assembly. He wanted the Parliament Act amended so as to take away from the Speaker of the House of Commons the sole power to decide what was a money bill. And he wanted it amended further. As matters stood, he said, a Government with a majority in the House of Commons lasting for two years could in a perfectly legal way, and without consulting the people of the country, abolish the monarchy. It should not be able to do so without the second chamber's having the right to insist that the people should pronounce their verdict before such a measure should become the law of the land. Such a Government could likewise abolish the House of Lords, and he "said without hesitation" that "the Socialist party were against Second Chamber government, and when they got the chance that would be brought about."¹

¹ The quotations from speeches in this debate are, unless otherwise noted, from

The speech of Lord FitzAlan is an example of Conservative fears, and suggests the mild Conservative remedy of requiring a referendum before any revolutionary legislation. The Duke of Marlborough spoke next. In a perhaps characteristic manner, he had put down an amendment on the paper: "That in view of the failure of any scheme of the House of Lords reform to arouse interest, this House regards further discussion of the question as inopportune and unprofitable." In his speech, he said that any modification in the composition of the House of Lords would probably lead to complete change. As to powers, he said that the privilege of two years' delay was the only power that the House of Commons would allow the House of Lords. As to revolution, he did not fear it in the English people. "The King and members of the Royal Family were to-day the most popular people in the country."

In the third speech in the debate, the Earl of Arran, a Liberal, announced his intention to move an amendment to Lord FitzAlan's resolution to the effect that no action should be taken on so grave a subject until the electorate had expressed its views; thus he turned the Conservative idea of a referendum against the Conservatives. He seemed to think that the House of Lords and the hereditary principle were alike unpopular.

At this point the surprise occurred. The Lord Chancellor, Lord Cave, intervened, and said that he wished to state the views of the Government on the subject. He thus gave the rest of the debate a very practical nature. The cabinet committee appointed two years previously had reported, he said; he was now making a definite announcement of the views of the Government, though of course its views might be modified in the course of the present debate.

In regard to money bills, the Government suggested that a joint committee of equal numbers from the two Houses, choosing its own chairman, and looking at substance as well as at

the reports in *The Times*, which in this case reported somewhat more fully and more informally than (though with as great accuracy as) the official reporters. I have used also the official reports in the *Parliamentary Debates*.

form, should decide what was a money bill.¹ As to local rates, the Government would restore equal power over them to the House of Lords. As to the powers of the House of Lords, the provisions of the Parliament Act should not allow the passage into law without the consent of the House of Lords of any bill altering the constitution or powers of the House of Lords. As to the composition of the House, the Government wished some members elected, and some nominated for twelve years, enough so that the Labour Party would have adequate representation in debate.² The present size of the body was too large; the hereditary peers should elect some of their members for twelve years, and the total size of the House should not be over 350. Peers not elected to the House of Lords should be eligible for the House of Commons. "It might be said", concluded Lord Cave, "that there was peril in touching the ark of the Constitution; but the Constitution received a blow in 1911 from which it would not recover unless their lordships found some means of enabling it to do so."

From the speeches of the other peers who spoke, both on this and on the other two days of the debate (June 22 and 24), it was clear that the Government's proposals had very strong and very general support among the Conservative peers. Many Conservatives, indeed, expressed ideas much more extreme than those of Lord Cave. Lord Selborne, for instance, wished to add the monarchy to the institutions which could not be touched without the House of Lords' consent. The Duke of Northumberland went so far as to maintain that the House of Lords was "more representative of all the important interests

¹ A comprehensive discussion of the question of money bills is given by D. Rowland Evans in "The House of Lords and Money Bills," *Contemporary Review*, vol. 132, pp. 623-28 (November, 1927).

² "Such representation as is, half contemptuously, accorded to Liberal and Labour opinion will depend on a Conservative ministry's opinion of the desirability of the individual Liberals' or Socialists' presence. The opposition so nominated might be deliberately kept as weak as possible". Such is the reflection of a representative Liberal in regard to this suggestion—Sir Charles Hobhouse in the *Contemporary Review*, vol. 132, p. 147 (August, 1927). As to members of the Labour Party, they have never expressed a desire for nominated representation of their party in the House of Lords.

of the country than the House of Commons," and that "the people of this country no longer believed in democracy as a principle at all." The Lords, he said, should "seize this opportunity to put their House in a position to play that part which it had so often played in the past history of the country, of being the last line of defense against the forces of tyranny and chaos."

For the Labour Party Lord Haldane and Lord Parmoor pointed out that they could not agree to increasing the power of the House of Lords in relation to the other House. The leader of the Liberals in the House of Lords, Lord Beauchamp, pledged the opposition of his party also.

Other ministers who spoke gave, from different points of view, support to the proposals outlined by Lord Cave. Lord Salisbury (Lord Privy Seal) gave it as his personal view that the proposals were "intended to protect the considered judgment of the people, and to see that their power was not abused by a temporary wave of opinion which might put the Labour Party in office and lead them to work mischief which the country did not really desire." Any reform that might be suggested, he furthermore maintained, would necessarily include limitation of members, and so end the power of swamping the House of Lords by new creations.

When it came to the vote, the motion of Lord FitzAlan was carried without a division. The Duke of Marlborough had withdrawn his amendment. The vote on the Earl of Arran's amendment was 54 for and 212 against.¹

For four days there was excitement, and a feeling of expectancy, mingled with a fear that the Government would do what it said, and with its huge majority in both Houses would

¹ 67 *House of Lords Debates*, 5th Series, p. 1008. According to Lord Beauchamp (*Contemporary Review*, vol. 132, p. 142, August 1927), "The voting though technically on Lord Arran's resolution, was really concerned with Lord Cave's suggestions. . . . What, however, is remarkable is that there were some forty-nine or fifty Peers in the House who absented themselves without voting, while in the minority there were a number more who voted not because they approved of the amendment but because they disapproved of the Government's scheme. . . . Great pressure was brought to bear upon Peers to vote with the Government, and even officials of the Court made an unusual appearance."

carry speedily an act which, more revolutionary by far than that of 1911, would put the House of Lords in a permanently privileged position and deliver it forever into the possession of the Conservative Party, beyond hope of constitutional rescue. In the political correspondence of the *Times* for June 29, five days after the vote in the House of Lords, there appeared without explanation the statement:

It is understood that, in view of the mixed reception given to its proposals for the reform of the House of Lords by members of the Conservative Party in the House of Commons, the Government will not proceed with the scheme as outlined by Lord Cave . . . but will next session propose amendments in the Parliament Act referring to Money Bills.

And from that time on, House of Lords reform as proposed by Conservatives has been completely dead. The general election of 1929 transferred power to the Labour Party, and it seems unlikely that the Conservative Party will soon have again a sufficiently large majority to carry out their plans. What the Duke of Sutherland said in 1925 proved to be true. The Conservatives had their only opportunity. Why did they not take it? The answer is an interesting bit of parliamentary and party politics.

Though as soon as Lord Cave made his proposals, the newspapers became full of the subject, the crisis was so short that only what are known as "political circles" had time to become excited. The mass of the people was unstirred, being largely preoccupied with "greyhound racing" or with the Chancellor of the Exchequer's plan for a new variety of "company tax".¹ For a limited time, however, within the circles interested, the reform proposals became the leading political issue.

The daily Conservative press was inclined to be favorable to the Government. The number of newspapers really Liberal in politics is few, but they and the papers which were not unfriendly to the Liberal Party (the *Daily Express*, and other Harmsworth and Beaverbrook organs) were inclined to oppose.

¹ See on the company tax the *Annual Register* for 1927, p. 66.

The Labour Party does not reach the general newspaper public with any organ. But for one paper, the tone of the metropolitan press might have been considered to shade from very favorable to mildly opposed, with the weight on the side of the Government. The one exception was the *Observer*, the Sunday paper of the upper classes. Mr. J. L. Garvin, its editor, created a newspaper sensation by his editorial on June 26. Speaking as a good Conservative and a better Unionist, he entitled his leading article "Doomed", and argued that any attempt of the Government to make its proposals law would result in the ruin of the Conservative Party. Probably this editorial was the greatest single influence in persuading the ordinary Conservative that the Government was making a mistake.

Among politicians, however, there was much variety of thought. At first, members of the Liberal and Labour parties were a little worried. Almost at once, however, it was they who were cheered and the Conservatives who were disturbed. For the weakness of both opposition parties was the lack of a simple, vital and intelligible issue with which to make a bid for popular favor, and the Government was about to present them with just the kind of issue they needed. The Liberals in particular, who always thrive on a constitutional issue, and who had won the battle over the House of Lords in 1911, were delighted at the prospect of an opportunity to use over again the same weapons on the same ground against the same foe.¹

As for the Conservatives, they fell into three groups. First were the earnest and convinced believers in privilege, of whom the Marquess of Salisbury, the Duke of Northumberland, and many other peers are examples. Second was the large group of Conservatives who were politicians first and men of rigid

¹ A formal expression of the Liberal point of view is in Earl Beauchamp's article "The House of Lords" in the *Contemporary Review*, vol. 132, pp. 137-42 (August 1927).

Other Liberal views will be found in Sir Charles Hobhouse's article, pp. 143-50 of the same issue, entitled "The Liberal Revival"; and "The House of Lords and Money Bills" by D. Rowland Evans, *ibid.*, vol. 132, pp. 623-28 (November 1927).

political principle afterward. Some of these believed that reaction was the best policy. Others believed, in view of the fact that the Conservatives, who had a huge majority in the Commons, had polled a distinct minority of the popular vote, that the country was not in an essentially conservative mood and that reaction would be a political mistake. The third group, which was typified by the "young Conservatives", was made up of those members of the Conservative Party whose views were not conservative at all. Since the war, the Conservatives had been in power most of the time. Consequently most aspirants to a political career had joined the Conservative Party. Strongly tinged with "socialism" and full of liberal ideas, these men were Conservatives only in name, and had no sympathy with typically Conservative policies such as the projected reform of the House of Lords.

The Conservative Party in the House of Commons was made up largely of the second and third groups, and the great majority of these groups, though they might be in favor of a strong second chamber, were not in favor of a strengthened House of Lords.

Why then did the Government make its proposals, and not only that, but why did it declare its intention of making them law in that very session of Parliament? It appears that the cabinet had not consulted even the party whips, before Lord Cave's speech.

There would seem to have been three groups in the cabinet. First were the reactionaries, the "die-hards".¹ They seriously believed in the reform proposals. Secondly were the opponents of the reactionaries. They believed that the only way to settle the question and allow the House of Lords to rest in peace was to let the reactionaries make their proposals and be defeated. The third group is thought to have consisted of one man, Lord Birkenhead. One minor but definite proposal of the Government was that peers not elected to sit in the reformed House of Lords would be eligible for seats in the

¹ The particular names usually placed in this group were Winston Churchill, L. C. M. S. Amery, the Earl of Birkenhead and the Marquess of Salisbury.

House of Commons. It was suggested that since Lord Birkenhead could no longer be Lord Chancellor, he would like to be a member of the House of Commons and eventually become heir to Mr. Baldwin as prime minister. It should be noted that all these three groups might, for their very different reasons, unite in support of the one policy adopted.

A group of Conservatives which were perhaps underrepresented in the cabinet was that group of very wealthy and very able business men, industrialists and financiers who had come, for various reasons, to support the Conservative Party, though many of them had grown up in the nineteenth-century tradition in accordance with which industry was Liberal in politics. When their voice was heard, it prevailed, and their voice was heard through the party organization.

It so happened that the semiannual meeting of the Central Council of the National Union of Conservative and Unionist Associations was to be held in London on June 28, just after the Government formulated its proposals. The National Union, in its large annual gatherings, had unanimously passed resolutions in favor of House of Lords reform every year since 1920. It was expected that the Council of the Union would, as the governing body, express the views of the party in the country as to the Government's proposals. A resolution was offered for the approval of the Council, in the name of Sir John Marriott, M. P. It expressed satisfaction with the proposals of the Government, and pledged the Council to support the bill which the Government was to bring in to carry them out. A counter-resolution was moved by Sir Arthur Shirley Benn, M. P., who had been President of the Association of British Chambers of Commerce from 1921 to 1923, and Chairman of the National Unionist Association in 1921. Sir Arthur Shirley Benn moved that, "Whilst agreeing with the necessity for reform of the Second Chamber, this Council considers that no definite proposals should be made until the matter has been fully considered by the Conservative and Unionist members of Parliament." The latter resolution was lost by a large majority, and Sir John Marriott's resolution carried. But it was as a result of this meeting that the Government, as next morning's *Times*

was to announce, postponed their plans indefinitely. The die-hards might muster a majority of the votes in a party gathering, but in the last analysis it was the group of influential men represented by Sir Arthur Shirley Benn who dominated the party. Such men were realists, with a knowledge that the country would no longer tolerate hereditary privilege.¹

After it became understood that the Government would not try to carry out its proposals, the question of House of Lords reform was really dead. A matter which concerns the House of Commons, as this does, cannot, however, be allowed to go without comment by that House. It was necessary also that the Labour Party, the official Opposition, should take a formal stand. On June 29 Mr. Ramsay MacDonald gave notice in the House of Commons of a vote of censure on the Government, and the debate on his motion was held on July 6. Mr. MacDonald moved:

That this House regrets that the Government has put forward a scheme for fundamental changes in the House of Lords which gerrymanders the constitution in the interests of the Conservative party, deprives the House of Commons of that control over finance which it had possessed for generations, entrenches the House of Lords, on a hereditary basis, more firmly against the people's will than for centuries past, and, in defiance of every precedent of modern times, robs the electors of power to deal with the House of Lords; and this House declares that it will be an outrage on the constitution to force such proposals through Parliament without a mandate from the People.²

There was little to say and little was said, on the vote of censure, that had not been said in the debate in the House of Lords. Neither Mr. MacDonald, nor Mr. Lloyd George for the Liberal Party, nor the Conservative ministers, did themselves justice. The success of the debate was made in the maiden

¹ But Sir John Marriott in a letter to the *Times* published July 1 wrote that the majority of Conservatives wanted an amendment of the Parliament Act as to the powers of the House of Lords, but preserving the composition of the House untouched.

² 208 *House of Commons Debates*, 5th Series, p. 1279.

effort of Colonel John Buchan, a man best known as a romantic novelist. In a conciliatory and effective speech Colonel Buchan called the Parliament Act crude, but spoke of the change in conditions since 1911 and expressed the opinion that "daily the crude façade of the House of Lords was becoming mellowed with time and almost looked like the old building"—so that, he thought, the Parliament Act was better than any successor could be.

The vote on Mr. MacDonald's motion was of course treated as a vote of confidence in the Government rather than as a vote on the merits of the Government's reform proposals; consequently 167 members of the House of Commons supported the vote of censure, while 362 members upheld the Government.¹

As far as the opposition parties were concerned, they seem to have believed that the Government had given up any serious idea of attempting to carry out any changes in the House of Lords. Within the Conservative Party, however, the agitation was kept up, and encouragement was given by the fact that Lord Salisbury, when questioned in the House of Lords on July 20, repeated that the proposals of the Government still remained the proposals of the Government.²

In October, 1927, there was another reminder of the permanence of reactionary thought in the Conservative Party. The annual conference of the party was held in Cardiff. A resolution was passed, backed by a large majority of the conference, offering "heartly congratulations to the Government on its resolve to deal with the problem of the House of Lords

¹ In addition to the *Parliamentary Debates* and the *Times*, see also the *Annual Register* for 1927, pp. 60-65, for the story of the 1927 proposals. One of my most important sources for the crisis of 1927 is private information.

² 68 *House of Lords Debates*, 5th Series, pp. 664-75. Another article by Mr. Harold Cox, in the *Edinburgh Review* for July, showed by its vehemence that though the Government might for political reasons assume a moderate attitude, many of the Government's supporters still wanted an ultra-conservative policy. After fighting over again the battles of 1909 and 1911, Mr. Cox said that "barring its excessive size, the present House of Lords is probably a better second chamber than is to be found in any other country", and "under present conditions it is the House of Commons, not the House of Lords, that threatens the liberties and also the prosperity of the nation." *Edinburgh Review*, vol. 246, pp. 396 and 401.

during the lifetime of the present Parliament" and pledging support "for those measures necessary to assure that the will of the people shall be safeguarded by an effective Second Chamber". The *Times* dismissed the resolution as "not practical politics", and there was a general feeling that the Government would do nothing further for fear of further weakening its position.¹

The reformers, however, continued to prod the Government. When the King's speech opening Parliament in 1928 failed to refer to House of Lords reform, Lord Salisbury said in explanation that the Government wished to limit the work of the session so as to end the session in the summer. Moreover, he said, the reception by the House of Commons of the proposed changes had made their reconsideration necessary. As to the Government's undertaking to pass a law on the subject during the present Parliament, he pointed out that the Parliament was not yet at an end.² Unsuccessful attempts were made at various times during the session to get the Government to explain its plans for action in regard to the Lords.³

The Government was finally driven to an open stand in December, 1928, when Lord Clarendon introduced into the House of Lords a resolution proposing to reform that body by limitation of its membership and in other ways. The Lord Chancellor (Lord Hailsham), for the Government, refused to

¹ See *Round Table*, no. 69, pp. 121-22 (December, 1927).

² 70 *House of Lords Debates*, 5th Series, pp. 14-32.

³ The discussion on the omission in the King's speech came on February 7. Later in the month, on February 20, Lieutenant-Commander Kenworthy of the Labour Party tried and failed to get a definite answer from the prime minister as to what was being or was to be done about House of Lords reform (213 *House of Commons Debates*, 5th Series, p. 1212). On April 3 Mr. L'Estrange Malone asked the prime minister if he would introduce a measure for House of Lords reform before the next dissolution of Parliament, and the prime minister's reply was that he could not anticipate the contents of the King's speech of the autumn (*ibid.*, vol. 215, p. 1762). On April 26 Mr. Wardlaw-Milne asked for a statement, and was referred to the answer of April 3 (*ibid.*, vol. 216, p. 1072). Finally, when on May 17 Mr. Kenworthy repeated his request for information and, on being referred to this same answer of April 3, asked what the answer of April 3 meant, the prime minister refused to explain (*ibid.*, vol. 217, pp. 1202-3).

accept the resolution, for two reasons. First of all, no measure of such importance could be carried without general consent, in the few remaining months of the Parliament. And further, if the Government gave the resolution its support, that part of it which proposed limitation of membership would be misrepresented by unscrupulous opponents as an attempt of the Conservative Party to entrench themselves as a permanent majority; and the Government should not be put in the position of seeming to make this attempt. On a later day Lord Salisbury for the Government admitted that the obstacle to the Government's saying just what its own ideas were on House of Lords reform was "disagreement between the Government's friends, particularly in the House of Commons, where the younger men could not be brought to realize the necessity of a strong Second Chamber."¹

Thus confessing its inability even to formulate a program, Mr. Baldwin's Government brought the Parliament to an end on May 10, 1929. During the general election that followed the question of the House of Lords played no part at all except for the attempt, apparently unsuccessful, of some newspapers and individuals to convince the electorate that the Labour Party if victorious would abolish the House of Lords altogether.² It seems altogether probable that the question will not arise again during the life of the new Parliament.

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¹ See the *Times* for December 14, 1928. The debate will be found in 72 *House of Lords Debates*, 5th Series, beginning at page 484.

² See, for instance, the *Daily Express* during the election.

REVIEWS

The Growth of Philosophic Radicalism. By ELIE HALÉVY.
Translated by Mary Morris. New York, The Macmillan Company, 1928.—xvii, 554 pp. \$8.50.

This volume is a sound translation by Mary Morris of the classical work of the distinguished French historian, Elie Halévy. M. Halévy's work is as indispensable as Sir Leslie Stephen's for the understanding of the Utilitarian school. In writing of the epigoni, James Mill, Ricardo, Francis Place, although his treatment is brief, M. Halévy's style is admirably lucid. In his chapters, however, on Bentham, a philosopher who, if one of the most influential, was one of the dullest that ever writ, M. Halévy seems to get infected with Bentham's own mannerisms and it becomes almost impossible to see the wood of the system for the trees. With the object of reducing the *corpus* of law to such simplicity that everyman might be his own lawyer, Bentham spent a long lifetime turning out a mass of treatises unrivaled for the pedantic obscurity of their jargon. As a consequence Bentham's own work is far less well known and appreciated than the esteem might have rendered probable in which it was held by the influential group of his junior contemporaries gathered round James Mill and later John Stuart Mill. The diluted Utilitarianism of that eminent Victorian, Mr. Stuart Mill (as all Frenchmen seem condemned to call him), has attained great prestige and wide popularity, but the more robustly rebellious and characteristic teaching of the Elder Philosophers has now become chiefly of use as a target for any undergraduate who wishes to demonstrate the superiority of modern psychological subtlety to eighteenth-century dogmatism.

In the point of fact, when we get behind the thickset hedge of "the interest and duty junction prescribing principle", and the like, Bentham is neither so crude nor so original as is generally supposed. On the one hand, Bentham expressly insists that "'tis vain talk of adding quantities which after the addition will remain as distinct as they were before, one man's happiness will not be another man's happiness . . . but it is not more fictitious than that of the equality of

chances to reality, in which the whole branch of the Mathematics which is called the doctrine of chances is established". . . it "is a postulation without the allowance of which all political reasoning is at a stand". On the other hand, that pleasure and pain are the "two sovereign masters" is no new principle but is almost verbally anticipated by Mandeville, Mercier and Helvétius, as is the "association principle" by Gay and Hartley and the "greatest happiness principle" by St. Pierre and Priestley, Helvétius and Beccaria. And the number is many of Utilitarians before Bentham, not exceeding the venerable company of Archdeacon Paley and Dr. Johnson. With Jeremy Bentham the debt is paid back to Britain which French philosophy incurred by its borrowings from John Locke and David Hume. The philosophy of the older Utilitarianism, before its adulteration by J. S. Mill, can be studied to at least as much advantage in the lucid and suggestive writings of Helvétius and the Encyclopedist writers as in the crabbed phraseology of Bentham, whose chief contributions are a laborious precision—"A Methodist is what I should have been"—and a cornucopia of would-be practical applications. The same problems which beset the Encyclopedists—the question of whether to rest their philosophy on an *ordre naturel* or to appeal to the legislative manipulation of a scientific government to weight egoistic advantages in the direction of social harmony and the identification of interests, the question of the relation of scientific government to the popular will—are those which beset the Utilitarians. The Encyclopedists waver between the patriarch of Ferney's praise of Frederick the Great and praise of the sovereign will of the people as expounded by the author of the *Nouvelle Héloïse*; the Utilitarians waver between Bentham the Tory and Bentham the granddad of a Philosophic Radicalism whose other grandfather was the author of *Caleb Williams*. The two movements are so similar in scheme; in mood, as different as the Gallic temperament and *la morgue Anglo-saxonne*.

Nor is it fair, as M. Halévy's book admirably brings out, to label the Utilitarian school as one of doctrinaire *laissez-faire* and of a *démodé* insistence that economic law should be permitted to take its own natural course. It may have been such in the hands of a M'Culloch, but in Bentham's writings, as in those of d'Holbach, there are quite other possibilities. It is not only a natural law but a law capable of rational comprehension and control. To assert that there is a natural law of gravitation which conditions our lives is no reason for sitting on the edge of a precipice and permitting the law

of gravitation to take its course. Bentham, having in this respect more in common with John Stuart Mill than with his dour father, is no more averse than the Physiocrats to eking out a fundamental natural law, which eliminates the anti-social in the long run, by means of an artificial reconciliation of interests engineered by discreet legislation.

If modern "true blue" Liberalism traces from J. S. Mill, modern British Socialism can find a parent (however unlooked for) as much in Bentham as in the exiled prophet whose bones rest at Highgate. And if Socialists may well object to an ancestry which traces through Bentham to Hobbes—although even the Benthamite Ricardo maintained that it would be "better to have a world built like the communist villages dreamed of by Robert Owen"—it may reconcile them if they reflect that the intermediaries between Hobbes and Bentham are the nursing fathers of the French Revolution and that the fathers who begat them are the famous men of the *Éclaircissement*. A study of the thought and accomplishments of these men leads us to be more skeptical of the Master of Balliol's conviction—expressed in the preface but not apparently shared by M. Halévy—that the consequences of their belief in the possibilities of applying to the study of man and society the principles and methods of the physical sciences are to be described as "curious aberrations". The advance of systematic knowledge (as M. Halévy remarks concerning economics) and the improvement of human civilization owe much to these pioneer rationalists in social affairs—more, we suspect, than to their secular antagonists, from Edmund Burke to this day, the moral intuitionists.

GEORGE E. G. CATLIN

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Quantitative Methods in Politics. By STUART A. RICE. New York, Alfred A. Knopf, Inc., 1928.—xxii, 331 pp. \$3.25.

In this book Professor Rice has collected in convenient form a number of articles which he and others have written using statistical methods for studying political problems. The book is an outstanding contribution to methodology in the social sciences. A sociologist has used techniques developed by economists and statisticians to analyze political data. Dr. Rice is well trained in the three fields and he has presented his findings with true scientific caution.

In the beginning chapters the author endeavors to give a con-

ceptual background for the later studies. According to his view, science can point the way to the attainment of ends, but it cannot determine the means, except as they may be deduced from other ends. If this is so, should political scientists give up trying to find a scientific solution for the problem of the best organization for municipal government? How are ends to be distinguished from means? Dr. Rice does not answer such questions as these. However, he does offer some hope for the development of the social sciences. He can see no real distinction between the so-called natural and the social sciences; both are based upon probabilities which are statistical in character. His advice to social scientists is to look for *correlations* or concomitant variations and not for *causes*. The pure historical and case-study methods are not scientific in that their units are single events. In dealing with conceptual problems of this sort, Dr. Rice is less ambitious and more closely rooted to the ground than Catlin.

The author has disarmed criticism of his book on the ground that the subjects discussed are of a limited nature. He is the first to recognize the limitations of his data. The political differences with which he deals are surface indications, demarcations within a relatively slight possible range of variation. The subjects of the studies are "relatively unimportant in themselves". He is not concerned with questions of public administration or with any of the accounting aspects of government. Nor is he concerned with such problems as non-voting, methods of representation, the success of popular law-making and the operation of universal suffrage. He is rather concerned with "available evidence concerning those factors or 'forces' that give rise to political activity and that determine its form and direction". The materials which he uses are either official statistics published by governmental bodies or data collected from college students.

A listing of a few of the studies reported in this volume will give a little idea of its scope. The Lippmann concept of a stereotype is investigated by means of student identifications and ratings of photographs. The hypothesis that there is a "middle western culture area of political discontent" is investigated by an analysis of the La Follette vote in 1924 across state boundaries and within shopping areas. Spatial variations in political attitudes are studied by analyzing election returns by urban, village and open country districts. The book abounds with ingenious devices which could be fruitfully used in similar researches.

The book is not presented as an exhaustive discussion of quantitative methods in politics. However, there are certain matters that might have been treated in a more thorough fashion. In his discussion of spatial variations in political attitudes, the author makes no use of maps nor does he mention the admirable work done in this field by Turner in this country and by A. Siegfried in France. In trying to ascertain the representative character of elected representatives he did not use the best available measures. The voting record of the representatives, as used by Arneson, or used in a more general fashion, would have been superior to the questionnaire which he employed. The study of sex as a factor of political division made no mention of the German statistics which are available on this subject. He does not describe fully and accurately the use that might be made of punch cards (p. 238). While he admits that his analysis of the figures for party turnover is tentative, there are some obvious interpretations of his data that he might have made. His studies of changes of attitude attributable to defined stimuli are too dependent upon introspective material as to whether or not changes have taken place. It is submitted that the method of random sampling might be used to obtain control groups for experiments in the measurement of attitude changes. It is also to be regretted that he did not use some of L. L. Thurstone's material on the measurement of attitudes instead of Allport's earlier article.

The book should be a stimulus to students of social problems who are looking for scientific methods of describing situations involving many individuals. Dr. Rice is to be commended for his careful painstaking work in a pioneer field.

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UNIVERSITY OF CHICAGO

International Arbitration from Athens to Locarno. By JACKSON H. RALSTON. Stanford University, Stanford University Press, 1929.—xvi, 417 pp. \$5.00.

Mr. Ralston, whose interest in arbitration and practical experience with it are well known, has now written a survey of the historical development of the use of arbitration. It is not the usual sketchy history, written for purely irenic purposes, but a solid and distinctly factual work, considering rather briefly theories and history, and more carefully principles, problems and cases. He regards it as an effort, in connection with his previous volume *The Law and Pro-*

cedure of International Arbitration, to survey the whole problem of judicial settlement.

This volume is in five parts: General Principles of Judicial Settlement, Influences Working toward Judicial Settlement, History of Arbitral Tribunals, Hague Peace Conferences and Their Results, Permanent Court of International Justice. Appendices contain: A List of Arbitral Tribunals Functioning between Nations from 1794; The Convention for the Pacific Settlement of International Disputes (Second Hague Conference); the Statute and Rules of the Permanent Court; and a useful bibliography. It is as fully documented as the previous volume, with references to writers as well as cases.

It would be impossible to show, in such a review as this, the wide range covered by Mr. Ralston, and the innumerable problems which he considers. A few may be noted, by way of suggestion. He believes in a natural law, and thinks that the same universal principles govern between nations as between individuals. He doubts whether international law "should be treated otherwise than is the law governing disputes of an individual character. There is no special mystery which should surround it if we will forget the exaggerated claims of nationalism and sovereignty". Distinctions are made between amiable composition, mediation, arbitration and judicial settlement; and it is asserted that arbitration is judicial in character, with exceptions only where so ordered, or where the question was incapable of judicial determination, e. g., a boundary dispute. Chapter iii is devoted to justiciable questions. "There is no inherent quality attaching to political questions and forbidding reference to arbitration". He offers a definition: "A domestic question relates to the sovereignty of the state within its territorial limits and not involving illegal deprivation of a foreigner submitting to its laws of his rights of life, of liberty, or of duly acquired property". Domestic questions, he submits, are merely the "newest mode" in reservations; and "one day statesmen may learn that their nations can with healthfulness be exposed to the direct rays of the sun of the law, the better so when divested of the stifling protection of reservations".

There is much material of value to the practicing lawyer, respecting the *compromis*, jurisdiction, parties, pleadings, etc. The author finds that the legal systems of the world are not so different as to form an obstacle to international adjudication. He believes that sanctions depend upon moral condemnation rather than upon force; and it may be suggested in this connection that the sanctions of the

League of Nations and those under the proposed Capper Resolution deserve some discussion. *

Pacifists should study this work, in order to gain an understanding of the practical problems involved—such, for example, as the difficulties of arbitration as a method, discussed in chapter ii. Part II considers not merely such idealists as Dante and Crucé and Kant, but legislative expressions on the part of many states (a larger consideration of the effects of the attitude of our senate upon the growth of arbitration would have been helpful), the work of peace societies, and the efforts of Latin America. A number of interesting ancient arbitrations are described; three chapters are devoted to the arbitrations of the United States, one to those of other states, one to the Central American Court, and one to the Mixed Arbitral Tribunals since the War. A section is devoted to the Hague Conferences, and the Tribunal set up by them, and to International Commissions of Inquiry; and a final section to the new World Court. The reviewer would have preferred Fachiri to the other authorities cited upon the Court.

So broad a field must necessarily be covered in staccato fashion. Mr. Ralston, according to his custom, has done it in large part by direct quotation from sources or from excellent authorities. He is almost always strictly factual, and rarely led off into a discussion of motives. The work is a needed survey of useful material. It should be of interest to the practicing lawyer, to the idealist in the cause of peace, and to statesmen who have the interests of their states in mind.

CLYDE EAGLETON

WASHINGTON SQUARE COLLEGE,
NEW YORK UNIVERSITY

Russian Economic Development Since the Revolution. By
MAURICE DOBB. New York, E. P. Dutton and Company, 1928.
—xii, 415 pp. \$5.00.

The output of books dealing with modern conditions in Russia has been so overwhelmingly large and their scientific value so very small that it is not without a feeling of apprehension that one opens a new volume devoted to the Soviet experiment. Mr. Dobb's book, fortunately for the readers, has nothing in common with the superficial generalizations of casual visitors to the proletarian state. It will probably be no exaggeration to say that it is by far the most

valuable contribution on the subject which has so far appeared in the English language. Mr. Dobb is primarily a scholar and his interest in problems of economic theory leads him into a penetrating analysis of the economic phenomena of the Soviet state. But he is also a keen observer who does not neglect the various manifestations of everyday life. Under the able pen of Mr. Dobb the extravaganzas of the Soviet economic policy appear in their natural setting and acquire a kind of internal logic.

After an interesting sketch of the economic background of the Soviet state, Mr. Dobb proceeds to show the evolution of Soviet economic policy from 1918 to 1926. The chaos of the first eight months of the Bolshevik Revolution and the resulting economic decline taught the responsible leaders of the Communist Party that a system of "war communism" could not be carried on indefinitely. This principle was not recognized without a struggle within the party itself. But the break between the town and the village was so complete and the danger of open rebellion and actual starvation so serious, that the government had to follow, not without regret, the New Economic Policy forced upon it by Lenin. This was a turning-point in the history of Soviet Russia. "Nevertheless," says Mr. Dobb, "the New Economic Policy was only new in so far as it represented a return to peace after three years of war" (p. 165), that is peace between the Communist Party and the rural community. The improvement in the economic situation which took place in the following years was striking. A detailed account is given by Mr. Dobb of the various transformations through which the Soviet industry passed and of the immense difficulties it had to overcome.

The volume is not entirely free from minor defects, such for instance as the author's unfortunate attachment to the use of Russian words the meaning of which is left to the imagination of the reader. Some of them can be readily translated into English as, for example, the word *peevnaya* (beer-house) or *droshky* (hackney-cab), while others like *smychka* (united front, coöperation) have no exact English equivalent. But even an inadequate translation of a term would seem to be better than the use of the Russian word which few of the readers will be able to comprehend.

Mr. Dobb's conclusions are in keeping with the objective and impartial tone of his book. It may be permissible, however, to disagree with him when he maintains that "the Russian régime of centrally planned production combined with the policy of steady cheapening of price has apparently achieved an important advantage both

over private monopoly and *laissez-faire*" (p. 382). The correctness of this conclusion still remains to be tested.

Much more convincing is his conclusion as to the immense importance of the "new social equality which undoubtedly exists in Russia" and which "is something more fundamental than the measure of social equality which, in contrast to Europe, is said to exist in the New World. In Russia it is not mixed with an individualist desire to prosper and to climb a social ladder of which the rungs are income-grades. It is divorced from a worship and evaluation of success in money terms and from the deference to the man who has won a financial position above his fellows and shows it in his habits, and dress, and bearing" (p. 374).

The general impression which one gets from reading the book is that the Soviet government has displayed much greater ability in adapting itself to a hostile environment and changing conditions than it is usually credited with; and that it has behind it a "new spirit of creation . . . broad, elemental, and crude and strong". One has the feeling that for good or evil the Soviet government has come to stay. And this is a conclusion of importance which no one can afford to overlook.

MICHAEL T. FLORINSKY

COLUMBIA UNIVERSITY

Civic Training in Soviet Russia. By SAMUEL N. HARPER.

Chicago, University of Chicago Press, 1929.—xvii, 401 pp. \$3.00.

Civic education is the general subject of a series of eleven volumes under the editorial direction of Professor Charles E. Merriam of the University of Chicago, of which series Mr. Harper's study is one.

In contrast with many books about Russia which one reads with the feeling that they are the product either of an exuberant enthusiasm or of an unalterable prejudice coloring an all too brief observation of selected phenomena, Mr. Harper's volume is read with a distinct feeling of confidence in the reliability of its materials and in the impartiality and the competence of the writer. Mr. Harper has known Russia intimately for many years. Prior to the Revolution he lived in Russia for an extended period. Since the Revolution he has made a number of visits, the latest one of three months during the year 1926.

The book is almost completely descriptive and such criticism as is offered is largely criticism by the directors of affairs in Russia

of the working of their own plans. Mr. Harper does not attempt to make a case for or against any procedure, but gives simply a very detailed account of all those activities which are calculated to have a bearing upon the preparation of the people of Russia for citizenship in the Soviet Union.

The privilege of citizenship in Russia belongs only to those persons who are definite factors in the processes of production, or are "organizationists", "collectivists" and "revolutionary activists". Those who fail to qualify in any one of these four characteristics are excluded from citizenship. Moreover, inasmuch as the activities of citizens are directly and avowedly under communist direction, the influential exercise of citizenship involves membership in "the party", and the education necessary for admission to the party forms a graduate course in citizenship.

"Political grammar" is the subject of study which most occupies the people of Russia at the present moment. Children enrolled in the "pioneers", youth enrolled in the "*Komsomol*", and the members of "the party" are all active in the study of citizenship and in the organization of its teaching to others. All education in Russia proposes to be active, involving at all levels a carrying over into conduct of whatever is learned, a learning through activity. In political education this is particularly insisted upon. Membership in the party and in its junior divisions carries with it the obligation to be active in some form of civic service and to achieve positions of leadership in all organizations, including those in which the party members find themselves in a distinct minority.

Civic training in Soviet Russia is in sharp contrast with that offered in other countries by reason of the almost total absence of any effort to develop patriotism upon national lines. The Soviet Union, made up as it is of a very large number of autonomous nationalities, would find a development of narrow nationalism in these various groups a divisive and perhaps a disastrous phenomenon. Instead, however, of attempting to minimize local nationalism by substituting an all-Russian patriotism, civic education strives to develop a loyalty to the communist social order on a world-wide basis as the emotional equivalent for patriotic sentiments which form a part in civic training elsewhere.

The group which so far has entered least into civic life in Russia, whose non-participation is an admitted danger, and whose active inclusion in the civic body is earnestly desired, is the peasant group. The Soviet government is a "government of workmen and peasants".

This combination, however, is not a union of equals. The workingmen are the dominant group, but they are sure that the active support of at least the poor peasants is indispensable if this domination of the proletariat is to be successfully maintained. Eagerness to win over this peasant group has caused a movement for the admission of "middle peasants" to positions of influence with a rapidity which some Communist leaders believe represents a compromise with bourgeois principles; and a real crisis of leadership has been brought about because of disagreement over the rapidity with which even the tremendous machinery for civic education, which is actually in operation in the Soviet Union, can be expected to prepare persons for citizenship in that peculiar type of state which is Soviet Russia.

Public schools, and there are no others in Russia, play a significant but not a major part in civic education. After a phenomenal increase in number up to the year 1921, the number of schools in Russia fell below the pre-war level, and not until 1926 were as many children again enrolled in the elementary schools as had been enrolled before the War. Moreover, only three per cent of all the teachers in the schools are party members. The schools are not altogether trusted to give sound civic instruction, even with their work in this field carefully prescribed from Moscow and with pupils who are members of the "pioneers" and the "*Komsomol*" performing their civic duty by active organization of their fellow-pupils on communist lines. Through reading circles and newspapers, including the many "wall newspapers", through the cinema and the theatre, through trade unions, and through organizations of women, all of which are abundantly supplied with reading materials from the central organizations charged with the responsibility for civic education, training in citizenship is urged upon the Russian from every side. Mr. Harper reports on the part of non-party members signs of weariness of this too-continuous effort to make citizenship overshadow every other relation. The party leaders are not a little concerned with the fact that as a generation comes on which has never known capitalism and bureaucracy as they existed under the old order in Russia, the revolutionary spirit will die and civic interest will diminish in the absence of the revolutionary stimulus. It is for this reason that the international aspect of communism, with the whole capitalistic world pictured as arrayed against Russia, is so much emphasized in connection with civic education.

Since civic education is so large a part of all education in Russia, Mr. Harper's book represents one of the most valuable documents

yet produced on education in general in the Soviet Union. Significant statistics are given without the book's being burdened with terrifying tables. An extended bibliography is appended which will be valuable to readers wishing to go more deeply into the problems of Russia.

LESTER M. WILSON

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Russian Schools and Universities in the World War. By PAUL N. IGNATIEV, DIMITRY M. ODINETZ and PAUL J. NOVGOROTSEY. Published for the Carnegie Endowment for International Peace by the Yale University Press, New Haven, 1929.—xxv, 239 pp. \$2.75.

This volume is one in the Russian Series which forms a part of the *Economic and Social History of the World War* of which Professor James T. Shotwell is the general editor. It serves an exceedingly useful purpose in that it gives a detailed and apparently authentic picture of educational conditions in Russia between the Revolution of 1905 and that of 1917. It is a story of thwarted efforts in the direction of adequate popular education. The Duma during these crucial years gave its support to the provincial authorities who were not only eager for schools but ready to find the money for their establishment and maintenance. The imperial government, having placed its educational policy in the hands of a man altogether unsympathetic to popular education, completely failed to meet these aspirations and to fulfill the promises of 1905. Only after the World War was under way was a minister of education named who was sufficiently progressive in his educational ideas and who had sufficient force of character to inaugurate a real program of popular education, coöperating with the Duma and with the provincial governments in the establishment of primary schools and of teacher-training institutions. In no small part the book is an account of intentions in respect to education under the imperial government. That the accomplishment was by no means inconsiderable, however, is indicated by the fact that not until 1926 did the enrollment in primary schools reach a number which equaled the enrollment in 1917.

The activities of secondary school pupils and university students during the first years of the World War; the submergence of revo-

lutionary enthusiasm, which had always found a center there, in a patriotic enthusiasm for the successful carrying on of the war; the disappearance of this enthusiasm in the face of government incompetency; and the consequent readiness of the student class to participate in the Revolution form an illuminating picture in miniature of the progress of the Revolution in Russia as a whole. The student group in Russia was ever associated with revolutionary thinking, which accounts in no small part for imperial disinclination to give to Russia an adequate school system. Students played a large part in the Revolution of 1905 which finally gave to Russia its first representative institutions. Naturally in the new revolutionary uprising in 1917 student leadership was of no small importance, and, as was to be expected, that leadership threw its influence to the extreme left.

Events of 1917 resulted in almost complete suspension of such educational activities as had existed prior to that time. It is scarcely fair to say, however, that the government of the Soviet Union found itself compelled to create a system of education where none had existed. In spite of the almost complete break with the past made by the Revolution of 1917 there is a continuity of academic history in Russia. In this volume the three authors give a picture of the beginnings of popular education from participation in whose further development they have been excluded by exile from the country, with whose present social ideology they may be in serious disagreement, but in whose success they have a sympathetic interest.

LESTER M. WILSON

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Leopold of the Belgians. By COMTE LOUIS DE LICHTERVELDE.

Translated by Thomas H. Reed and H. Russell Reed. New York, The Century Company, 1929.—xi, 366 pp. \$4.00.

This volume is an apology for monarchy as it exists in Belgium. Its purpose is to "establish in the eyes of the Belgians, first of all, the title to glory of this great King whose genius has been recognized at last, twenty years after his death, and to express the immortal gratitude which Belgium owes him for the creation of the rich Congo Colony" (p. vi). In the effort to achieve his purpose the author calls attention to the weakness of Parliament, and the part taken by the king in administration. The art of the controversialist is

clearly evident. The motives of those who opposed the king are questioned while the action of the monarch is always given a most favorable interpretation. The harsh phases of the familiar picture, softened into indefiniteness, melt into an azure background of Leopold's good intentions. In cases where the facts are notorious, mistakes by the king are admitted but invariably condoned on the ground of mitigating circumstances or blind patriotism.

The monarchy is traced from its beginning to the end of the reign of Leopold II. If one reads with the author's purpose and the elementary facts in mind, the familiar outlines of the generally accepted opinion of the king are dimmed but little in these pages. It is admitted that the first Leopold had misgivings regarding the Prince (p. 17). If we judge from the portrait here given, presumably the most favorable that modern research can reveal, the forebodings were amply justified. As Duc de Brabant he was habitually indiscreet (p. 22). As king, he continually urged unacceptable measures upon his ministers (p. 175). When he was unable to procure legislation which he desired or to commit the country to policies opposed by the people and Parliament he became irritated, and, later in life, he displayed an inclination to withdraw from participation in domestic legislation. As his interest in domestic politics waned, he employed his energies in broader fields. He initiated many diplomatic conversations at foreign capitals and had a hand in numerous international intrigues. He had little respect for his subjects (p. 336), but proclaimed a passionate love for the country. His continued insistence upon preparedness, and his famous phrase, "the lion of Flanders must not sleep" (p. 258), gave interested nations reason to fear that Belgium had entered into military alliances against them.

The author did not make use of the vast material available but confined himself to a few well-known Belgian works and a selected portion of a wealth of original documents. This is particularly unfortunate when he deals with the Congo Free State. The founding of the "International Association to repress the slave trade and open up Central Africa" is described as the result of farsighted altruism, and, by a splendid stretch of the author's imagination, as a part of a plan formed in the king's mind during his youth. The work of the Association is touched upon, but no light is thrown upon the procedure whereby Leopold procured control and reduced it to a personal enterprise. The Berlin Conference is described as a contest between the forces of justice, directed by the Belgian monarch,

and the legions of avarice supported by the other countries. This does not conform to the facts. The influence exerted at the conference by Leopold was slight and confined to efforts to embroil other nations. After the Conference at Berlin the Congo is treated as a domestic issue with the king endeavoring to confer a great benefit upon a wilfully unwilling nation.

The author does not seem to realize that this was an international question; and when reports regarding oppression of the natives got abroad, Belgium, in the eyes of the world, was responsible. The king was quick to take advantage of the situation. Adroitly he managed by promising to make the country his heir to induce Parliament to extend a loan. With the kingdom morally pledged, the government of the Congo Free State redoubled its exploitation of the hapless region. The systematic reduction of the natives to slavery brought protests from foreign chancelleries and the king was forced to call a conference at Brussels in 1890. Here, under the leadership of Great Britain, the Free State was forced to agree to suppress slavery and to restrict the sale of arms, ammunition and spirituous liquors. These engagements were not kept and in 1898 another international gathering revised and strengthened the previous prohibitions. Notwithstanding the international interest in the Congo, its sovereign continued to exploit its natural resources for his personal benefit. Conditions were so bad by 1906 that foreign nations determined to insist upon reforms, and the Belgian Parliament took up the subject in an effort to protect the nation's good name. The king did his utmost to maintain his personal sovereignty. But the insistence of Secretary Root and Sir Edward Grey for speedy and effective amelioration of conditions led to annexation. The United States and Great Britain forced the issue and prescribed the terms upon which the annexation should take place. Nor was their action based upon the agitation of Sir Roger Casement and Ed. Morel, instigators of Anglo-Saxon opposition to the king, as the author charges (p. 232), but upon authentic reports of responsible officials. In the case of America, the information came for the most part, from the consul general at Boma. The omission of these vital facts is fatal to the development of the general thesis. The author fails to convince one that Leopold II was a great king or that his country owes him a debt of "immortal gratitude" for the creation of the colony.

R. L. JONES

China, Yesterday and Today. By EDWARD THOMAS WILLIAMS. Fourth edition, revised. New York, Thomas Y. Crowell Company, 1929.—xxiv, 743 pp. \$3.75.

Two and three generations ago one work stood out above all others as a standard of reference concerning China. No prospective traveler to that then distant bourne went without being armed with the two heavy tomes of S. Wells Williams: *The Middle Kingdom*. In some respects this work is still indispensable, for the Yale professor was a good scholar, a keen observer, and had passed through a series of experiences which still stand as among the most interesting of any American who has served in China.

But for many years there was urgently needed a more up-to-date volume to take its place. This need the work under review has most adequately filled. When first published in 1923 it included statistical, social and historical information taken from the latest year books, monographs and journals, and from the author's own large store of information. Since that date *China, Yesterday and Today* has run through three more editions, and has been "revised to December, 1928". Not only that: two new chapters have been added, on literature and art, in order to embrace more completely the wide field of Chinese civilization and culture.

It is not without interest to note the resemblance between the careers of the two authors, for more than to most there has been given to them the right to describe China for missionary and diplomat, traveler and general student. Both went to the East as missionaries, both served their country later in official capacities, and both returned to the homeland in the end to teach and to write. Edward Thomas Williams has only lately retired as Agassiz professor of Oriental languages and literature, University of California.

China, Yesterday and Today does not pretend to be a history, although its only contribution to our knowledge is the author's personal anecdotes of significant events of which he was an eyewitness, or in which he took a part. (One could but wish that he were more explicit in certain details, but doubtless the ex-diplomat has amenities to observe.) It does not pretend to be encyclopedic in any field, but it is extraordinary how nicely the balance has been maintained between China of the past and China of the present, and more important, between the Chinese of the peasant class and the Chinese of the literate and official group. So many books on China pretending to be general in their information have given but one

side of the shield, and that often partially. Professor Williams knows his history and his literature too well, and has lived too long among both the citizenry of the village and the gentle and cultured families of the great cities. Hence we are given pen pictures of the farmer, the craftsman, the village republic, the guilds, the calendar and its festivals, as well as descriptions of the poetry and philosophy, porcelain and painting of the scholars and governing minority.

Accurate as the book is in most of its details, one general criticism holds: its references to ancient China are in many instances drawn from now discredited sources. During the seventeenth and part of the eighteenth centuries certain Chinese scholars did an enormous amount of textual criticism on their ancient books—a kind of testing and sifting comparable only to the work among Western scholars of recent decades on the Bible. In these latter days much of this literature (denounced by the Manchu emperor Ch'ien Lung, and almost buried by the contempt of the orthodox Confucianists and forgotten) has been unearthed, re-edited, and its results "re-proved" and again given to the world, not only by Chinese critics, but also by Japanese and Europeans, and one or two Americans. It is passing strange that a scholar of Williams' stature should not be aware of this literature.

Take this passage for example (p. 27): "The history of China discloses the fact that from the twenty-third century B. C. to the present time China has frequently suffered from flood and drought." The history of China tells us nothing of the sort. Our earliest written records do not go back to a period earlier than the twelfth or thirteenth centuries B. C., and these tell us nothing of a flood. The *Shu Ching*, from which this bit of "history" has been drawn, was probably written between the fifth and fourth centuries before our era, and has become a source which the best living Chinese scholars use only rarely, and then with apology and open doubt.

It is well then to beware of all dates before the time of Confucius (sixth century). Even the date for the commencement of the Chou dynasty, so generally used in textbooks and museums—1122 B. C.—has fallen into disrepute, and Henri Maspéro (whose great work, *La Chine Antique*, should be consulted by all interested in the early history of China) makes the rise of the house of Chou to dominance in the Yellow River valley begin about a hundred years later.

Likewise one should accept with caution the life stories of such

great figures as Laotzu, Confucius and Bodhidharma. We do not know that a man by the name of Laotzu ever lived, though a book by that title certainly existed about the fourth century B. C.; and as for Bodhidharma, Dr. Hu Shih has recently demonstrated that he lived and died unknown, and that his name was only resurrected by the Ch'an school years after his death in order to give authority to that school's particular brand of Buddhist doctrine. The sources used by the author for Confucius are also open to question, for both the *Chia Yü* and the *Shih Chi* were written three or four centuries after the master taught.

The volume is well illustrated, and despite the indigestibility of some of its material has been written in a pleasing, even ingratiating, style, brightened as it quite often is by personal reminiscence. It is easily the best book today to read as an introduction to China. A few typographical errors keep it from being a perfect piece of printing—Heianfu for Hsianfu (p. 14); betwen (p. 636); Zücher for Zucker (p. 693).

L. C. GOODRICH

COLUMBIA UNIVERSITY

Foreign Rights and Interests in China. By WESTEL W. WILLOUGHBY. Revised edition. 2 vols. Baltimore, The Johns Hopkins Press, 1927.—xxxvi, xvii, 1153 pp. \$12.00.

China and Her Political Entity. By SHUHSI HSÜ. New York, Oxford University Press, 1926.—xxiv, 438 pp. \$2.00.

China and the Powers. By HENRY KITTREDGE NORTON. New York, The John Day Company, 1927.—xi, 264 pp. \$4.00.

These three works differ widely in character. The first two are addressed primarily to the maker and student of Chinese policies; the last has the general reading public mainly in mind. The first is fundamentally a digest of international law and relations as revealed in the recent history of China. The second is an historical dissertation, matter-of-fact in style but imbued with a nationalist, even imperialist, spirit. The third is a clean-cut, vigorous, almost dashing, discussion of the current situation and problems of China. Each is a distinctly valuable contribution to the literature on twentieth-century China.

Those who are familiar with Professor Willoughby's scholarship will welcome this second edition of his work, which has been brought

up to date largely by the incorporation of materials from two of his other recent works: *China at the Conference* and *Opium as an International Problem*. The systematic arrangement, partly chronological, partly topical, and the liberal incorporation of documentary materials will enable the student to acquaint himself easily and accurately with practically every topic in the field of Chinese international relations indicated by the title.

The scope of Dr. Hsü's book is indicated by the subtitle—"A Study of China's Foreign Relations with Reference to Korea, Manchuria, and Mongolia." It is written in a style clear and accurate but pedestrian and tedious. Suitable maps would have contributed greatly to the clarification of the narrative. Dr. Hsü unduly flatters his reader by assuming that he possesses an extraordinary amount of basic information on the topics treated. The leading works, both documentary and secondary, in Chinese as well as in western languages, have been utilized, notably *Die grosse Politik*. The author is apparently under the misapprehension that rigid adherence to official documents will guarantee the truthfulness of his narrative. His neglect to consider the interplay of the various forces, other than diplomatic, affecting both the Chinese and the other powers and the movement of opinion, both in China and abroad, unfortunately leaves the picture one in black and white rather than in color. The author's partisanship is not flagrant but it is not concealed. He is anti-Japanese, anti-German and anti-Russian. The note on page 247 is a remarkable critique of Count Witte. With reference to things Chinese, he clearly censures the Manchu Regency and the Anfu Party; he criticizes the reformers of 1898; he apparently disapproves of the Boxer Rebellion; he admires Li Hung-chang; he is charitable to Yuan Shih-kai; and he is sympathetic to the vice-regal administration of Manchuria by Hsü Shih-chang. He is bitter on the imposition of the Boxer indemnity; matter-of-fact about the Open Door policy; casual about the Lansing-Ishii agreement; surprisingly inadequate on the Washington Conference; and colorless on the Koo-Karakhan treaty of 1924 which is the latest topic treated. With regard to the policy of the United States, he clearly approves that of the Taft administration, but not that of the Wilson administration, and he wisely gives prominence to the remarkable discussion of American relations to China contained in Minister Calhoun's letter of February 12, 1912 (pp. 345-46). The principle contribution of Dr. Hsü's book is that it furnishes better than anything else yet available to the English reader the historical back-

ground of the Manchurian situation. It may be supplemented by a newly published volume: C. Walter Young, *The International Relations of Manchuria: a Digest and Analysis of Treaties, Agreements, and Negotiations Concerning the Three Eastern Provinces of China* (University of Chicago Press). It will not be amiss to cite two other more recent contributions to Chinese diplomatic history: Philip Joseph, *Foreign Diplomacy in China, 1894-1900, a Study in Political and Economic Relations with China* (London, Allen and Unwin, 1928); and Ken Shen Weigh, *Russo-Chinese Diplomacy* (Shanghai, Commercial Press, 1928).

Legal training and practice, broadened by well-directed reading and extensive travel, have endowed Mr. Norton with powers of keen perception, penetrating analysis, balanced judgment and incisive expression. His present volume embodies his views based on several years' residence in the Far East as ripened in the discussions over which he presided as chairman of the conference on The Chinese Republic and the Powers in the Institute of Politics at Williamstown in 1926. In the first chapter and the last six he centers attention upon China; in the other five he considers foreign interests in China. Though the historical background is never neglected, his prime concern is with current problems and their immediate setting.

The United States commands his confidence and the Chinese his sympathies, but fundamentally Mr. Norton is a realist—he sees things as they are. Every paragraph testifies his mastery of the facts, the clarity of his thinking and his matured judgment. All this does not mean that Mr. Norton presents an agreed statement of facts nor that he has had the good fortune to arrive at a synthesis of conclusions which will command general assent. There are indeed few sentences in the book which will not challenge controversy. Only when considered as a whole does the book fully reveal its solid qualities, notably its admirably balanced character.

The fundamental thesis is that "China is a part of this world and this world is a part of China" (p. ix), that the problem of China cannot be solved upon the basis of isolation but only with due reference to the relations of the Great Powers, of whom China counts as one, in the affairs of Eastern Asia. These relations are, in the case of each and every nation, determined by their conception of their self-interest which will be pursued by policies which may change as circumstances alter. The first postulate (unfortunately not entirely invalidated by more recent events) is the instability of the republic "whose constitution and laws are mere scraps of paper,

whose president is a shadow, whose legislature is a memory, and whose courts are a byword . . . In the space where the Chinese state should be, there is a political vacuum." China continues, however, to be a "recognized member of the family of nations" because each of the nations which tend to press into the vacuum asserts the existence of the Chinese state to keep the others out. Thus the Chinese problem has "ramifications leading to all of the great capitals of the world" (pp. 20-21).

Foreign rights, such as treaty ports, concessions, conventional tariff, and extraterritoriality, exist in China because of "the impossibility of applying there the ordinary procedure of international relations" (p. 22). Foreign powers have shown greater willingness to abrogate these rights than China has displayed readiness to establish the conditions indispensable to such action. There have been wrongs in the securing of these rights and in their exercise but still the rights are justifiable morally and in international law, for they are intended to afford such securities to foreigners in China as they would normally enjoy when similarly engaged in any country in the complete control of its own sovereignty.

Those who are accustomed to base their conclusions on sentiment rather than on facts will experience a succession of shudders in reading the chapter on the relations to China of England, "the champion of the Occident." They may, however, draw a sigh of relief when they discover the conclusion that Great Britain must pursue "the paths of diplomacy or, if she resorts to force, play her hand alone" (p. 72)—a prophecy which subsequent events have confirmed. The chapter entitled "The Russian Bear Ambles Eastward" is written with full appreciation of the motives which inspire Russian policy but with undisguised absence of sympathy for either its aims or its methods. Japan's existence almost seems staked on checkmating Russia. The lucid explanation (pp. 114-18) of Japan's consequent policy of railway development in Manchuria will furnish interesting information to all except those who follow most closely the Far Eastern situation. Japan's financial stake in China is second only to England's. Serious errors of Japan's Chinese policy are frankly exposed but the vital significance of its aims is sympathetically presented.

Toward China the fundamentals of American policy are maintenance of China's territorial integrity and the open door; with other powers in China the United States claims equal treatment and pursues a policy of coöperation. In view of these policies and

of the absence of any territorial stake in Asia, the United States needs to consider only "the tremendous potential buying power of four hundred million people", and its missionary investment in China, which "has a grip on the imagination of American people far greater than many times the amount invested in business ventures could have". Politically, therefore, the United States can be disinterested in China, but economically and morally it is keenly concerned in the future of China. This combination makes it "the interested referee" which "has often had to champion China's cause against Europe—and China!" because of "the weakness and unreliability of China" (pp. 125-26). The United States "can try to hold the ring . . . while China fights out her battle with the enemies within" (p. 139) and is "in a position to call upon Great Britain and Japan for support . . . to restore China to the full status of a sovereign power". "It is the Chinese", however, "who must work out China's destiny" (pp. 144-45).

Mr. Norton finds that "the main cause of China's ills is not foreign domination, but the industrial revolution" (p. 182), and believes that the aid of foreign capital is essential to shorten the duration of the evils. The nature of the old Chinese economic system and the evils resulting from the advent of industrialism are analyzed with clarity and conciseness. Young China is shrewdly contrasted with Young Japan in its penchant for politics rather than for economics, and is admonished to turn from anti-foreign demonstrations to promotion of the national readjustment to the industrial revolution as the true path to future welfare.

The dictatorship or absolutism of some successful "strong man" may temporarily restore order in China and afford international security, but it would only "bring a respite rather than a reformation." Should the present situation result in a partition of China among successful chieftains, it would open the way to intervention and "an international struggle of the first magnitude" (pp. 222-23). "The conditions within the country demand something other than a dictator. The conditions outside demand even more insistently something other than partition. These two sets of conditions limit the operation of all constructive forces" (p. 225). Though he shows with relentless detail that "the present purposeless destructive agitation" by the student class or Young China "is merely stirring up international hatred" (p. 240), he anticipates that with growing maturity they will acquire broader vision and develop constructive policies, which will fit China to shoulder the respon-

sibilities whose proper discharge is the necessary prerequisite to the termination of foreign privileges. He adds: "There has yet appeared no other force in China that has the power to save China and the world from a great tragedy" (p. 242).

The changes which have taken place in China since Mr. Norton wrote, significant as they are, have not materially modified his statements of fact or the validity of his conclusions. At this moment there are few books better fitted to give the reader a clear view of the Chinese situation, especially in its international aspects. It amply deserves a wider circle of readers, for Americans should be both more enlightened and more sympathetic with regard to China in its time of tribulation.

GEORGE MATTHEW DUTCHER

WESLEYAN UNIVERSITY

A History of Christian Missions in China. By K. S. LATOURETTE. New York, The Macmillan Company, 1929.—xii, 930 pp. \$5.00.

It is strange that, in spite of the voluminous literature on missions and missionary endeavor, there has never been written a comprehensive, systematic and objective work on the subject. This, however, Professor Latourette has undertaken successfully for the Chinese field. Probably the reason why the gap has existed up to the present time is that people are either for or against the missionary enterprise, those who have written having been mainly ardent proponents of the work, with the result that all of the writing has tended to contribute to religious rather than to historical literature.

Professor Latourette avows frankly (p. vii) that he is committed to a firm belief in the missionary enterprise. This belief is not only avowed but also made clear to the reader of his volume, since it obviously underlies his entire treatment of his subject. Making the necessary slight allowance for this viewpoint, it must be recognized that the treatment is that of the historian rather than of the enthusiast for missions. While there is no criticism of the missionary enterprise itself, there is a constant criticism of the methods of the various mission bodies, and a clear recognition of the effects of the enterprise as a whole, and of specific methods employed, on the political, social and economic life of China.

Because of the multiplicity of the agencies attempting to carry the gospel to the Chinese it is apparent that much preliminary

thought had to be given to the problem of organization of the extensive materials which must be incorporated in such a comprehensive survey. The solution found was to employ the chronological method, and then, within each period, to discuss separately particular phases of missionary activities. After a brief introduction, two chapters give the religious background of the Chinese and set forth the essential elements of Christianity. The latter seems to have been attempted in order to give a basis for estimating, from period to period, the extent to which the missionaries were successful in their work. Almost a fourth of the volume is given over to the pre-treaty period, when the Nestorians brought Christianity to China, and when the Roman Catholics laid the foundations for their subsequent extensive work. The author concludes that the life of China was totally unaffected by the existence of the Nestorian missions, and that the early Catholic missions had but little greater effect on the country. The Catholic work, he believes, had a greater effect on Europe than on China, by interesting Europeans in Chinese culture. "The missionaries had been largely responsible for initiating a cross-fertilization of cultures" (p. 198). The fertilization of Chinese culture with that of the Occident, however, has come since 1900, and has been more largely the work of Protestant than of Catholic missionaries.

The treatment of the period since 1842 constitutes the bulk of the volume. The method followed within each chronological division is to discuss separately first the Catholic and then the Protestant work, and in each case to survey the extension of work of the established bodies, to catalogue the new bodies entering the field, giving the places within China where they established themselves, to chronicle the persecutions in the various parts of China, and to survey the evangelistic, educational, publication and medical work done or established during the period.

As the narrative continues it is made clear that the Protestant missionaries interested themselves more extensively in non-evangelistic activities than did the Catholics, and that, consequently, they influenced the institutional life of China to a greater extent than the Catholics. On the other hand, partly as a result of their earlier establishment, the Catholics won a larger number of converts. Professor Latourette, however, refuses to credit the missionary with effecting the present breakdown in the structure of the older Chinese life: "... this transformation would have occurred had never a missionary set foot in the land. . . . What he did was to affect the

quality of the transformation by bringing China into contact with the highest spiritual and moral forces of the West" (pp. 304-5).

There is no attempt made to minimize the consequences of the insertion of the "toleration" clauses in the treaties, nor to avoid discussion of such missionary methods as could lead only to misunderstanding with the literati and officials and to friction with the people. On the other hand, there is only an incidental attempt at explanation of the persecutions from the Chinese side. And there is no adequate examination of the influence of the mission boards on the policy of Western governments. This seems to have been regarded as falling outside the limits of the subject treated.

On the whole, however, a careful reading of the volume will serve to convince the reader that Dr. Latourette has not only made a most substantial contribution to the literature on China, but that the claim that his will be the authoritative work on Christian missions in China for the next twenty years is not an extravagant one.

HAROLD M. VINACKE

UNIVERSITY OF CINCINNATI

Cultural Change. By F. STUART CHAPIN. New York, The Century Company, 1928.—xix, 448 pp. \$3.50.

This latest volume of the Century Social Science Series presents material and arguments of more than ordinary interest. Professor Chapin's book, in fact, may be regarded as a landmark in more than one respect. It signalizes the definite acclimatization of the concept of "culture" in sociological ideology; first, perhaps, among studies of its class, it considers the older concept of social evolution as definitely antiquated; it applies a set of new and more realistic concepts to ancient and modern society, in the full light of the historical record, rather than restricting itself to primitive data where historicity is at best a desideratum; finally, it brings a somewhat extended synthesis of the attempts to measure cultural change.

Coming to particulars, it may well be doubted whether Part I ("Perspective of Man's Past") which contributes nothing new, is really essential in this context. The massed array of historical material comes in Part II, which comprises a bird's-eye view of the civilizations of Greece, Rome and medieval England, the latter sketch dealing mainly with "material culture" in England up to and through the Industrial Revolution. These studies are excellently done; it is to be regretted, however, that the author did not

see fit to utilize these valuable facts more systematically in his analysis of the concepts applicable to cultural change. When the reader meets on page 205 the statement, "perhaps sufficient evidence has been presented in the preceding chapters to illustrate the cyclical or rhythmical character of cultural change", he is somewhat non-plused. If of active intelligence, he might indeed make the applications for himself, but surely the author should have assisted him.

The real contribution of the book begins with Part III ("The Interpretation of Cultural Change"). After rejecting the older concept of cultural evolution as universal, strictly deterministic and differentiable into stages, the author remarks that "the most hopeful approach to the concept of cultural change would seem to be to regard the process as selectively accumulative in time, and cyclical or oscillatory in character" (p. 202). Neither of the two concepts is new, as the author is well aware. The cumulative nature of the cultural process has long been understood by anthropologists and others; whereas the cyclical character of the implied changes has not escaped the attention of numerous scholars such as Petrie, Kroeber, Spengler and, quite recently, Sorokin, who has dealt with the concept *in extenso*, both historically and analytically. Professor Chapin also notes that cultural change is not merely cumulative but selective, and that the concepts of cumulation and cyclical change must and can be reconciled. These two important points are argued with considerable skill and finality.

A warning is, perhaps, in place here to the effect that the significance of the cyclical concept should not be overestimated. All it says, after all, is that there is an up and down, increase and decrease, not really growth and decay (although this interpretation has been made by some, such as Spengler). The concept then, while valid as telling part of the story, is essentially superficial and, whether applied alone or in conjunction with the cumulation concept, surely fails to exhaust the content of cultural change.

An indirect recognition of the above by the author may be gathered from his statement: "When the cycles or periods of a number [majority?] of cultural forms of the first and second order are synchronous, we have the era of maturity of the cultural nation or group, in which these cultural traits are found" (p. 211). The author admits that there are here unsolved problems and difficulties. It can scarcely be doubted that some at least of these problems will be found to lie in the psychological domain. From the complexities involved in this approach, the book brings no relief.

Chapter viii ("Is There A Societal Reaction Pattern?") is full of interest. On page 228 the conclusion is reached that the reaction pattern to change comprises three phases: (1) group enforces its mores; (2) group experiments; (3) group integrates its solution into a stable plan. This conclusion is further illumined on pages 383-84, where a most suggestive and significant parallelism is disclosed between the normal growth of an institution and the three phases of the societal reaction pattern.

The treatment of the cultural lag in the family (chapter x) is equally satisfactory. "But when all is said and done", remarks the author in conclusion, "about adjusting family attitudes and mores and the social environment to the permanent social values of the home, it is still necessary to attack our problems by adjusting the family mores to the *inevitable* changes in the social environment" (p. 328).

In Part IV ("Measurement of Cultural Changes"), the background and tendencies of the author as a statistical sociologist are most clearly reflected. This is also the part of the book which will, no doubt, prove most fertile of further research. This section contains *inter alia* a well-balanced discussion of the problem of the comparability of units which has given so much trouble to social scientists. Here also one finds such high spots as the striking similarity of diagram 35 (p. 360) giving the cyclical and cumulative frequency curves of the plow sulky, and diagram 39, which gives the corresponding curves for the commission form of government in cities (pp. 383-84). Whatever the limitations of the statistical and mathematical methods in social science—and they are great—results such as these are well calculated to show how far we may hope to go beyond our ideological forebears, the classical evolutionists, by adopting a more concrete and realistic approach to the problems of cultural change.

Returning to diagrams for a moment, the reviewer for one must register a protest against their abuse. Wherever increase or decrease in size or frequency is involved, graphs are useful and often illuminating; but as symbolic simplifications they are generally futile, and frequently misleading. This applies to figures 8, 9, 10 and 11, dealing with language, articulate speech, writing and tradition, and equally to figures 44 and 45, purporting to illustrate "Interaction and Social Groups" and "Secondary and Primary Groups of Interacting Individuals". Diagrams, when so used, are commonly more difficult to understand than the processes they symbolize; the

alleged "concreteness", moreover, is illusory, for it lies wholly in the diagram and not at all in the process it symbolizes. Such a diagram, if not understood, is useless; if understood, misleading.

In conclusion, the reviewer would add that Professor Chapin's modesty, moderation, and workmanlike care are exemplary, and, together with the other merits of the book, help to make it a contribution of lasting value.

ALEXANDER GOLDENWEISER

WASHINGTON, D. C.

Black America. By SCOTT NEARING. New York, The Vanguard Press, 1929.—275 pp. \$3.00.

Scott Nearing's book is an able portrayal of the position of the Negro in American society. The story begins with a brief account of the slave economy and a survey of the distribution of the Negro population on the eve of emancipation. The position of the Negro in American society today is conditioned by the fact that he was brought to this country as a slave. The Civil War gave him legal freedom but left him with the social stigma of his former status and with no economic resources with which to begin life under the new régime, save his ability to work.

A subject and exploited group under slavery, the Negroes have continued to be oppressed and exploited as freemen. The European empires hold "inferior" and subject races under their sway in Africa, Asia and the Indies. The American empire, according to Dr. Nearing, has its subject race within the limits of its own homeland.

Whether the Negro lives in the agricultural South and works as a share cropper and tenant farmer, politically disfranchised and denied the equal protection of property and life, or whether he has come North to participate in the economic rewards of its industries and in the larger cultural opportunities of its cities, he is still handicapped and exploited. The white man refuses to associate with him as an equal on or off the job. The Negro is obliged to live in segregated areas and pay higher rent than the white man for incomparably poorer accommodations. In the South the schools which his children attend receive at best half the support per child of the white schools. On the average they receive no more than a fifth or sixth, and in one state they receive only one-tenth. In industry the Negro gets the harder, the less pleasant, the less skilled, and the

less remunerative jobs. Frequently, particularly in the southern or border towns, when the Negro does the same work as a white man his job is called by a different name and his rate of pay is lower. Sometimes the employer discriminates even more openly, paying the Negro less than the white man for the same job without even taking the trouble to invent different classifications.

Every Negro in the United States—every member of the race irrespective of his qualities or talents—because he is black is swept ruthlessly into the category of racial inferiority and held there with all of the power of the superior, exploiting white race. Negroes in the United States are exploited and suppressed because they are Negroes. They are on the wrong side of the color line. Socially and economically they are forced to pay the penalty of belonging to a subject race (p. 154).

It is Dr. Nearing's thesis that this system of discrimination is maintained by the white ruling class not only to keep the Negro docile, but as part of the American capitalist technique of keeping labor in its place. The white workman, taught to regard himself as "superior", refuses to treat the Negro as a "brother worker". Frequently he refuses to work alongside of him, thus keeping him out of a job. Even more frequently he keeps him out of his trade union, again keeping him out of a job, denying him the protection of union conditions and forcing him to accept lower standards in non-union shops. When the white worker strikes, the white employer uses the Negro as a strike-breaker. The latter then gets work which was formerly denied him by the antagonism of white organized labor. Sometimes the Negro gets a real foothold in industry in this manner but usually he loses his job when the white striker returns to work. In short, says Dr. Nearing, the white ruling class employs blacks to crush the aspirations of the whites and then uses the whites to drive the blacks into a position of inferiority. American labor, white and black, cannot free itself from capitalist domination until it ceases to permit white capital to keep it divided along race lines. "White workers must make every effort to bring the Negro workers into trade unions, into cooperatives, into a working class political organization. There is no more vital task before the American workers today than that of establishing working class solidarity across race lines" (p. 226).

However laudable this ideal may be, the day when the white worker will accept the Negro as his equal, as his "brother", is far distant. The white workman seems to enjoy his "racial superiority"

more than his "economic freedom". Most Negroes would undoubtedly agree with Dr. Nearing that emancipation of their race must come to a large extent through the white man, but the leaders to whom the Negro listens today say that this emancipation will come from the hands of Dr. Nearing's white ruling class, rather than from white labor. They say that it is the white employer who has supported Negro institutions and given the Negro worker an opportunity to work; that it is the white working class which mobs and lynches and the white ruling class which frowns upon the practice. The Negro politician in Chicago who said, "I believe that the interest of my people lies with the wealth of the nation and with the class of white people who control it", would probably attract a larger following than Dr. Nearing's plea for "working class solidarity across race lines".

It is an undeniable fact that in this year 1929 the American worker is not depending upon class-conscious organization to free him from the domination of the ruling class. On the contrary, he hopes one day to be part of that ruling class himself. If he will not be an employer himself, he will at least have his little pile and own his few shares of stock in those very corporations which "exploited" him. And he will always be "superior" to the Negro.

The Negro is in a somewhat different position. The line of advancement over which the white worker hopes to travel is not even theoretically open to him. "To be black", says Dr. Nearing, "is to be proletarian." Yet if the Negro cannot hope to become a big boss he has been listening attentively to those members of his race who tell him that his future lies in the development of Negro business enterprise. They point to a few successful retail stores, to a few petty banks and insurance companies and to owners of real estate and established professional men whose income comes from colored folks who work for white men. The dream of an independent black economy within white society suits the Negro better than a working-class movement which knows no color line. How such an "independent" economy is to be established within the white community which controls finance, basic industry and the state is something that the Negro leaders have not cared to face. Yet the Negro worker prefers this dream to Dr. Nearing's because his ideals are as "middle class" as those of the white workman.

STERLING D. SPERO

NEW YORK CITY

Provincial Society, 1690-1763. By JAMES TRUSLOW ADAMS.

Volume III of *A History of American Life*, edited by Arthur M. Schlesinger and Dixon Ryan Fox. New York, The Macmillan Company, 1927.—xvii, 374 pp. \$4.00.

This richly stocked and interesting book has already met with a chorus of praise in which the present reviewer would join, but at the risk of sheer reiteration. In the existing state of the social history of the colonies—*Provincial Society* makes no claim to exhaust its subject—it seems desirable, rather, to indicate some of the gaps which Adams's followers must fill, and to raise certain questions of fact and of interpretation.

Adams has viewed colonial society broadly in all the scattered seaboard settlements and along their frontiers, and in a whole range of popular interests from advertising and agriculture to witchcraft, women and workhouses. He has seen that at first the colonists were more alike than in the eighteenth century they came to be. He has sought to describe and explain the development of class and sectional differences, and the emergence during the same time of a common pattern of American life and thought. In exposition he has followed an approved model: first, a brief cross-section of colonial society at the end of the seventeenth century; then a survey of social evolution through two periods of change, dividing at 1713; and finally a brief synopsis for the years 1745-1763. Apparently the book was begun upon a more ample scale than proved feasible, for more than half the volume is devoted to the period 1690-1713. Yet the motive forces of social change as Adams analyzes them—expansion of the frontiers and of trade, land speculation, the coming of new stocks, multiplication of contacts between colonists—were chiefly operative after the Peace of Utrecht. Between 1690 and 1713 only the effective introduction of negro slavery had worked any great transformation. Of the latter date Adams himself writes: "The time had come for a new integration of colonial life." Unfortunately in what remains the author's admirable method finds too brief a scope.

A master of synthesis, Adams levies upon a large number of special studies. (To be sure, his conclusions are often freshly his own; and in such excellent paragraphs as those upon land speculation, popular morality, libraries, and culture in the South as well as in New England, he makes real additions of fact as well as of ideas.) Occasionally there are unexpected omissions. It was due to a pio-

neer in the study of colonial society who was more than an antiquarian to cite the articles which Edward Eggleston contributed to the *Century Magazine* in the 1880's. One looks in vain for mention of Turner's "The Old West", though Turner's ideas are notably present. In the bibliography diaries are meagrely listed; the existence of an invaluable guide, H. M. Forbes's *New England Diaries, 1602-1800* (1923), should be noted in a revision. Future students in this field—and the best tribute to Adams will be the growing company of these—will make large use of such materials, and at the other end of the scale, of manuscripts in the British archives, sampled by Eggleston but here almost untouched. Charles Warren's *History of the American Bar* (1911) would have fortified the account of the emergence of professional groups, and forestalled a too sweeping generalization upon the lack of educated lawyers in the North before the Revolution (p. 60).

Adams, indeed, has a flair for generalizations, often inspired, sometimes inadequately documented. His denial that the colonial clergy were "leaders of opinion in other than religious matters" (p. 315) reflects an unfortunate bias, and ignores conclusions which scholars had reached even before Miss Baldwin published her recent study.

Provincial Society incorporates admirable sketches of social classes, immigration, demography, architecture, science, the status of women, and of such significant movements as the Great Awakening. Its least satisfactory pages deal with colonial commerce, both sea-borne trade and the traffic with the Indians. The structure of trade, navigation and credit requires clearer analysis; nowhere is there a functional definition of the much-used term "colonial merchant". A few more pen portraits of typical merchants, like that of Manigault, would have served this purpose, and further illuminated the significant theme of the rise of moneyed men. There is no evidence that "by the beginning of the eighteenth century the 'Guinea trade' was already enriching the merchants of Boston, Newport and other places" (p. 103). Unless the shipping news in the *Boston News Letter* is altogether untrustworthy it began as a regular business from Newport and Boston about 1725. Had Mr. Adams consulted a complete file of the same journal for 1754 he would not have implied, as he seems to imply on pages 295-96 (see also page 227), that Boston had already yielded place as a port to New York as well as to Philadelphia. Or does he mean merely that Boston was slipping? The passage is confused; but in any event this method of sampling contemporary sources is dangerous

in statistical matters. Had he taken 1750 for his comparison he would have discovered in forty-four issues of the *Boston News Letter* record of some 483 entries of vessels at the eastern port, while fifty-one issues of the *New York Evening Post* yield only 284 entries for New York. Certainly nothing less than three- or five-year averages should be used as a basis for such conclusions.

A poorer book would not call for such meticulous examination. A better book in this field can surely not be expected until many of the problems which this one raises have been further explored. And then we may hope that Mr. Adams will write it.

VERNER W. CRANE

BROWN UNIVERSITY

Lafayette in Virginia: Unpublished Letters. Historical Documents, Institut Français de Washington, Cahier II. Baltimore, The Johns Hopkins Press, 1928.—xi, 64 pp. \$2.50.

L'Enfant and Washington. By ELIZABETH S. KITE. Historical Documents, Institut Français de Washington, Cahier III. Baltimore, The Johns Hopkins Press, 1928.—xi, 182 pp. \$3.00.

It was one of the fortunate episodes of the American Revolution that at the crisis two young men came to our shores from France whose devotion and attachment to the cause of liberty made their names immortal in our history. One was an aristocrat and soldier, the other was an artist and military engineer: Lafayette, whose name will always be associated with the Virginia campaign and the victory at Yorktown; L'Enfant, who enlisted also in the war, and whose name will be remembered in connection with the founding of the city of Washington.

New light has been thrown upon Lafayette's career by the publication of a series of letters relating to the Virginia campaign. They are well edited and attractively published, and form a valuable addition to the history of the period. It has been the common tendency to underrate the military capacity of Lafayette and his preliminary work in the campaign of Yorktown. And surprise has been expressed that Washington selected him for so important a command as that in Virginia. But these letters bring out clearly his qualities as a general and how he maintained himself and detained the forces under Lord Cornwallis until the arrival of the French fleet and Washington at Yorktown. In all this campaign,

Lafayette showed remarkable qualities of self-restraint, persistency and foresight in the face of the general apathy of the people of Virginia and the want of supplies and munitions for the war. Washington, in his correspondence at this period, commends Lafayette for his "prudence and good conduct" and for his "military genius and judgment".

The difficulties Lafayette had to face in the last two months of the campaign were such as to try the caliber of any general, and only Lafayette's good temper, disinterestedness and skill could have overcome these obstacles and kept his small army in the field. During the months of July and August he was forced to write again and again to Governor Jefferson, and later to Governor Nelson, beseeching letters asking for men, munitions, provisions and supplies. On July 1 he writes to Governor Jefferson: "Many, and many men are daily deserting—the times of a great many are daily expiring—no relief comes to them, and you might as well stop the floodtide as to stop militia whose times are out". He does not conceal from Jefferson the desperate state of affairs and urges more vigorous measures by the Executive. "I confidentially will confess with you that I am terrified at the consequences of a general defeat,—But should we be beat and should the loss of Virginia follow a defeat new obstacles will be raised against American independency" (p. 19). In spite of these discouragements, Lafayette managed by various expedients to hold his army together, but his anxiety increased and he dreaded that all his efforts might be in vain. As late as August 26 he writes to Governor Nelson:

Indeed, Sir, unless vigorous measures are adopted, we will be involved deeper and deeper in ruin. Few men in the field; not a sixth part of what is called for,—a greater number without arms—the greatest part of whom live from day to day upon food that is injurious to their health—without six cartridges per man—and the poor continentals that will soon be our only dependence falling off for want of spirits and flour (p. 54).

Even after the arrival of the French fleet, he had to complain of the lack of provisions for the allied troops, but by much energy and vigorous measures, he was able to surmount this difficulty and thus to justify the expectation of Washington in his ability.

The series of published and unpublished documents of L'Enfant and Washington serve to restore L'Enfant's fame and to set in its true light his plan for the new city of Washington. His father,

a celebrated painter, destined his son for the military life and educated him in the school of engineers from which he enlisted in the French colonial troops. Attracted by the struggle for liberty in America, he was one of the young engineers whom Beaumarchais sent over in 1777, and thus preceded Lafayette's arrival in America by one month. He served with distinction throughout the war and Washington commended him for his "zeal and active services".

At the close of the war he returned to France to visit his father, and on returning to America in 1784, he was associated with Houdon, the celebrated sculptor, who had come over from France to make a statue of Washington for the state of Virginia. During the next few years L'Enfant's talents won him public recognition and he was asked to remodel the old City Hall of New York City. This work was executed with such beauty and taste that crowds came to view this building which was considered at the time the most beautiful in America.

But the opportunity of his life came when Congress voted in 1790 to establish the capital of the country on the banks of the Potomac. L'Enfant at once wrote to Washington asking that he might be selected to superintend the work. His early association with America and his reputation as an engineer and artist commended him to Washington, who appointed him "to make a survey of the site of the federal city".

A perusal of these documents brings out very clearly the early enthusiasm of L'Enfant for his work, the great scale on which the plan was drawn, and the approval of Washington and Jefferson for his main idea and their sympathy with him in his work. Educated amid the glories of the cities of Versailles and Paris, he conceived the design of the city on a grand scale, and while he studied the plans of the great cities of Europe, yet he aimed, as he said, not to imitate them, but to make the new design worthy of the future of the new republic. Unfortunately personal interests and land speculations created obstacles, misunderstandings arose between L'Enfant and the commissioners with whom he had to work, and after an unsuccessful attempt at conciliation Washington was compelled reluctantly to instruct Jefferson to send him a letter of dismissal. Fortunately, his plan was carried out in its main outlines, and the city of Washington as it is today is largely his idea.

For a long time L'Enfant's grandiose plan was treated as a dream. Even in 1800 the halls of Congress were only partially built. But the day came when L'Enfant was to come into his own and men were

to recognize the splendor of his idea and the possibility of its realization. A commission was appointed a century later, composed of artists and engineers "to do for the district of Columbia what L'Enfant had done for a portion of the area". "And after mature study", writes Mr. Moore, the chairman, "in the light of the finest examples the world has produced, this Commission reinstated the authority of the L'Enfant Plan and carried it to its logical conclusions in the new territory".

This volume is admirably edited and printed, with voluminous notes by Miss Kite on the contemporaneous history, and with an excellent monograph on L'Enfant's life written by J. J. Jusserand, former ambassador from France to the United States.

JOHN S. PENMAN

CAMBRIDGE, MASSACHUSETTS

Canada and World Politics. By PERCY E. CORBETT and H. A. SMITH. Toronto, The Macmillan Company of Canada, 1928.—xvi, 244 pp. \$3.00.

Among the multitude of volumes written upon the British Commonwealth since the War, some half-dozen fall within Bacon's third category of books to be chewed and digested. This is one of them. Both authors are thoroughly fitted for their task. The one, after a remarkable academic career at McGill and Oxford Universities, spent some years on the legal staff of the League of Nations and is now dean of the law faculty of McGill University. The other, late professor of constitutional law in McGill and now professor of international law in the University of London, is already favorably known to American political scientists through his *Federalism in North America*. Their present study is not, as its title might imply, a discussion of Canadian foreign policies, or a survey of the foreign relations of Canada. It answers the more immediate need of a succinct, readable analysis of the legal position of the British Dominions in relation to world politics.

To write upon as thorny a subject as Britannic relationships from the constitutional lawyer's standpoint, it is true, commits the authors to a position which is vehemently assailed in many quarters in the Commonwealth. The Nationalists' constitutional theory is essentially an attempt to vindicate a policy of isolation from world affairs. In view of their basic assumption that foreign dangers and obligations can arise only from the British connection, they magnify all

recent changes in the direction of separate and independent Dominion status. In contrast, the constitutional lawyers imperturbably override their contentions. The latter certainly have the stronger case, in that they explain imperial relations as foreign states must take cognizance of them, while most of the Nationalist discussion purporting to deal with the international status of the Dominions in fact has to do solely with the conventions of the imperial constitution, and much of it seems to proceed on the assumption that what has been agreed upon within the Commonwealth automatically becomes part of the law of nations. However, despite the seeming definiteness with which the legal structure may be expounded, it masks a set of hardly compatible political relationships—relationships which provoke unexpected constitutional precedents, and are revealed in the nature and scope of treaties entered into by British nations notwithstanding the principles governing the conduct of negotiations.

While conceding that the *diplomatic* unity of the Commonwealth is largely gone, legal writers maintain that its *constitutional* unity persists and still determines the status of its members in relation to foreign nations. They base their contention on the ultimate responsibility and authority of the British government in Dominion concerns. As stated in the volume under discussion: "Plenipotentiaries are appointed and treaties ratified by the King on the authority of documents countersigned by the Secretary of State for Foreign Affairs in Great Britain. The powers of the King in this regard have not been delegated to the Governor-General." The writers hold (though less dogmatically than Professor Keith) that the foreign secretary's action in such cases is discretionary. If this be so, as he is politically responsible to the British Parliament, it necessarily implies the continued supremacy of that body over the Dominion governments, in flat contradiction of the principles enunciated in the Balfour memorandum of 1926. This is the crux of the constitutional controversy. Does the integrity of the Commonwealth as against foreign states depend on the maintenance of so offensive a paradox? Presumably the anomaly can be removed either by unqualified recognition of the constitutional convention that as far as the Dominions are involved the rôle of the secretary of state is purely ministerial (which is virtually true politically at present), or (as the writers note) by devolving the formal issuance of full powers and assent to ratification upon the governor-general. The latter would be more logical, but the former alternative seems the less disruptive of existing principles.

An informing chapter is devoted to the much-debated implications for the Commonwealth of membership in the League of Nations. The difficulties are held to arise from attempts to confine post-war developments within traditional categories and conceptions of interstate relations. The various issues involved are examined *seriatim* in considerable detail. The complications inherent in the separate voice accorded each Dominion through distinct membership and voting power have been increased by the election of Canada to the League Council, which may imply a conflict between her duty as spokesman therein of the small nations and her loyalty to the Commonwealth. Yet the authors insist that the conditions of admission to League membership preclude such an interpretation of its obligations as would set one part of the empire against another: "The group signature and group description were notice to all the world that, in entering the League, they reserved their constitutional union and undertook no obligations the fulfilment of which would mean the break-up of the Empire."

Far from having surrendered this principle, the Commonwealth in the Imperial Conference of 1926 reasserted and extended it to all treaties entered into by its members:

The present position, offering as it does, outside the League of Nations, only one set of machinery under unified control for the conduct of major international relations, imposes a composition of those interests within the family before international action is taken. The decision to appoint Canadian Ministers at Washington, Paris, and Tokyo does not mark the abandonment of this principle. The King employs henceforth two agents at these capitals, one of whom is in each case charged with business affecting His Dominion of Canada.

It is obvious from such contentions as the authors' that there is a serious discrepancy between valid legal principles and the actual political situation within the Commonwealth (although the latter, be it noted, is subject to exaggeration). The vital consideration is this, that while the interdependence imposed by the fact of constitutional unity may be ignored in day-to-day relationships, it is recognized and doubtless would be insisted on in a crisis by foreign powers.

The writers draw attention to several other points which have distinct importance in view of current controversy. The Canadian constitution makes no provision for the incurring of foreign obligations save as part of the British Empire. The federal government, however, is fully competent to discharge its international commitments, even to the invasion of what are normally provincial rights

—impotence in the latter respect, incidentally, has more than once been urged to excuse failure adequately to apply the labor provisions of the Covenant. In commenting on the attitude of the government during the Near East crisis, the absence of legal justification for the doctrine that parliamentary sanction is prerequisite to Canadian action relating to participation in war is pointed out. The serious legal complications entailed by the government's refusal to associate Canada in the ratification of the Lausanne Treaty are also analyzed. The impracticability of the much-discussed "personal union" as a basis of imperial relationships is argued, and certainly the wide discrepancy between such a system and that existing at present is demonstrated. Especial mention should be made of the valuable appendices—the texts of the 1923 Conference resolution regarding negotiations, the report of 1926, the commission and other documents relating to the functions of the governor-general, the letters of credence of Messrs. Massey and Phillips, and an analysis of the strategic dependence of Canada upon the United States.

After reviewing various alternatives for the future, the authors reach this general conclusion:

If no solution is to be found in any of the proposals for separation, for a personal union, or for federalism, then it would seem that the best thing that we can do is to retain the constitutional unity of the Empire substantially in its present form, merely improving the mechanism so as to eliminate friction and to secure the best practical results . . . The separatist policy calls upon us to denounce our principles in the very moment of their greatest triumph.

Regarding the future of the senior Dominion they maintain: "So far as Canada is concerned we are convinced that separation, and any policy which tends either in form or in substance towards separation, will be a disastrous error of judgment, the ultimate result of which would be to place Canada under the economic, military, and political control of the United States." In the reviewer's opinion, this volume together with Toynbee's more descriptive study, *The Conduct of British Empire Foreign Relations*, effectively meets the need of a brief yet inclusive presentation of the external aspect of Britannic relationships.

A. GORDON DEWEY

BOOK NOTES

"Back to the Constitution, back to the spirit of 1776"—this is the rallying cry of a vigorous plea by Mr. Thomas James Norton, entitled *Losing Liberty Judicially* (New York, The Macmillan Company, 1928; xiv, 252 pp. \$2.50), in which he assails prohibition and "kindred laws" as a violation of that liberty which the Constitution proclaimed to the world. Liberty is limitation of power, and while other peoples developed a constitutional system to restrain the executive, it was left to the American people to devise, through the judiciary, a means to control the legislature, to see that it does not usurp the trust and authority committed to it by the people; and this "has been recognised by the best minds of the world as the chiefest contribution of genius to the promotion of Liberty". But the judicial departments, alike of the states and of the nation, have in certain crucial instances, and notably with respect to liquor laws, failed of their trust. Mr. Norton proceeds to examine these instances, beginning with *Mugler v. Kansas* and ending with certain decisions of the Supreme Court upholding the Eighteenth Amendment. In these instances, says Mr. Norton, the Supreme Court has constantly repeated the empty formula of liberty while denying the substance. He harks back to the doctrine of inalienable "natural rights" which inspired the Constitution. "If the competent man had a right to use the commonly accepted liquors for beverage purposes because in doing so he was working no harm to himself or to society, then the right was untouchable by government in the way of either partial or complete deprivation. The *use* of the right might be *regulated* for the general good—he could, for example, be denied saloons and other public drinking places—but the *right* to use the beverage is absolute 'against any government on earth'. Neither the beverage nor the right can be diluted." This is a good example of the author's mode of argument, though he also on occasion takes more technical ground, as in his argument that the Eighteenth Amendment was "unconstitutionally proposed" since Article V of the Constitution prescribes (in the interpretation of the author, but not of the Supreme Court) a vote of two-thirds of all the members and not merely of two-thirds of the quorum present. Unfortunately the logic of the doctrine of natural rights is a slippery

one, and it needs to be restated for an age of vast organization and interdependence. The failure to perceive this fact, to see that the principles of Locke and Blackstone and even of Marshall cannot be lifted bodily to meet our present occasions, leaves the author vulnerable to effective counter-attacks at various points in his examination. This may be perceived with less prejudice in his attack on the "kindred laws", which range from the act of the State of Pennsylvania forbidding the manufacture and sale of oleomargarine to the Sheppard-Towner Act "for the Promotion and Hygiene of Maternity and Infancy". Mr. Norton does not see that there is a world of difference between the "liberties" interfered with in these two instances, that liberties are not isolated but often conflicting in our complex society, and that a doctrine of liberty which might well condemn the former of these cases might no less support the latter. When Mr. Norton speaks of liberty as limitation of power he thinks of power as always governmental power. He still thinks of liberty in Hobbesian terms as existing only "in the interstices of law". He does not perceive, as his references to child labor and other industrial laws reveal, that economic power can be as great an "interference with liberty", in any realistic sense of that term, as any legislative act, and that in this sphere law can enlarge no less than limit effective liberty. It is a pity that throughout his argument he confuses the conditions of economic liberty with those of moral or personal liberty. His footing among economic facts is precarious. We do not need to go beyond page two for an example, where he declares that the national railway system of Canada involves on the Canadian taxpayer "a burden of about \$222 per capita", and that it is "an application of socialistic ideas borrowed by advanced thinkers of the West from the open-air philosophers of Trafalgar Square". Both statements are grossly misleading, and Mr. Norton has no doubt been deceived by interested propaganda. Everyone who is familiar with the situation knows that the railroads in question were taken over by an essentially conservative government as a last resort when the lines were hopelessly bankrupt and that the national system thus formed has been run in a businesslike manner and with very considerable success. It is indeed a pity that the author weakens his plea by antiquated notions of *laissez-faire*. For there is a sound core in his argument, and the voice of well-informed juristic protest is much needed in an age and country where actions in themselves innocent are made felonies and where dominating groups succeed in incorporating into laws alike their own morals and their own pre-

judices. Against this form of tyranny the protest of the author is strong and telling.—R. M. MACIVER.

The aims of The World Today Bookshelf, "brevity, readability, and breadth of vision", are admirably met by the *Economic History of the United States* (New York, The Macmillan Company, 1928; xiv, 301 pp. \$1.50), by Harold Underwood Faulkner. The author had already written a larger manual of American economic history, which was counted as one of the best in the field. He has scaled this down in the present volume to about one-third of its former proportions, and has improved it in the process. Occasional omissions in the larger volume (for example, Kelly's contribution to modern methods of making steel) are rectified; distorted judgments (e. g. condition of labor in the first half of the nineteenth century) are modified; the facts that are retained make more impression because there are not so many of them. The presentation of some topics is so brief that to the critic it appears partial. For example, in discussion of the causes of the Revolution no reference is made to the effect on American psychology of the disappearance of the French menace in 1763. Some statements are open to question. It would be interesting to know the authority for the assertion that by the Erie Canal "the weary weeks of hard travel between the seaboard and Great Lakes was [sic] now reduced to four and one half days". A rapid computation shows that to realize this speed a rate of travel, from New York to Buffalo, of nearly five miles an hour, day and night, would be required. But slips of this kind are infrequent; the book in general is reliable as well as instructive and interesting. Good bibliographies afford guidance to the reader if he desires to extend his studies.—CLIVE DAY, Yale University.

The United States Government publishes more information and statistics regarding the nation's economic progress than any other government in the world. Difficulty has been experienced by many research workers and economists, however, in getting the greatest benefit from this vast source of information. In view of this the Special Libraries Association has inaugurated the listing of the various publications in book form. The *Descriptive List for Use in Acquiring and Discarding United States Government Periodical Mimeographed Statements*, compiled by the Bibliography Committee of the Financial Group of the Special Libraries Association (Providence, Special Libraries Association, 1929; 76 pp.) outlines the commercial, industrial and financial releases of a statistical nature issued by the various government bureaus, and includes primarily mimeo-

graphed statements, press releases and preliminary reports of various kinds, issued at regular intervals of less than one year. They are listed alphabetically and indexed according to the individual issuing governmental bureaus. A subject index also is provided, to unravel the various departmental publications, and type of information covered in each publication.—F. STUART CHAPIN, Social Science Abstracts.

The English workers' education movement has given us another rather daring synthesis in the new volume—*The Economic Problems of Europe* (New York, The Macmillan Company, 1928; 218 pp. \$3.50)—by M. Philips Price, which was written as the result of its author's classes on the economics of the Versailles Treaty and the Dawes Plan at the National Labour Colleges in 1925 and 1926. The volume is much more comprehensive than this fact or the title might seem to indicate, as it contains a rather detailed history of the conflicting capital exports of England, France, Germany, etc., in the pre-war period as well as a study of the "new industrial revolution" and the rôle of the United States in the years following the war. The book is remarkably easy to read for such material and this result has not been obtained at the expense of the documentation. There is a great deal of rather one-sided interpretation along the lines of economic determinism.—HARRY D. GIDEONSE, Rutgers University.

To those who have taken Auld and Long too seriously, Professor Max Sering's new contribution to the reparations literature—*Germany under the Dawes Plan* (London, P. S. King and Son, Ltd., 1929; ix, 251 pp. 10s. 6d.)—will serve as an effective antidote, although it is possible that the extremely bitter tone of his writing will close the minds of many of his readers to whatever he may have to say. This translation from the German is an appeal to the fairness of "economists of English-speaking countries" but the author reveals so much lack of objectivity in his initial chapter on the "Legal Foundations of the Dawes Scheme" that the average reader is likely to be placed on his guard for similar bias throughout the volume. Even if the 132 billions of 1921 were economically and perhaps even morally unjustifiable, the important figure to an economist in that decision of the Reparations Commission was the annual payment, which was comparable to that of the Dawes Plan as it was based only on the A and B bonds. Part II. of Professor Sering's work, which is concerned with the long-term possibilities, is by far the most important to a reader who does not respond to his patriotic

appeal. It is written in keen, incisive language and is at times brilliant in analysis. The "*Auseinandersetzung*" with the optimistic conclusions of Auld and Long (pp. 179, 207) is suggestive. Those who have basked in the optimism of experts with a deep interest in German bond issues will find ample food for thought here. Sering does not discuss the artificial stimulation of the normal flow of trade through the so-called assisted schemes, which are now beginning to play a large part in the final solution of the problem. — HARRY D. GIDEONSE, Rutgers University.

Sir Ernest Benn's *The Return to Laisser Faire* (New York, D. Appleton and Company, 1929; 221 pp. \$2.00) is a sermon preached on a text from Adam Smith, a text which reads, "each man has a natural urge to better his own conditions." According to Sir Ernest future historians will discover that "Individualism" reappeared in the English vocabulary about the beginning of 1927, for in that year he and other "'political discontents' met on several occasions to discuss ways and means of dealing with the Collectivist mania then and now sweeping through human affairs. The problem was how to revive that sense of personal pride which threatened to desert the English character. . . ." *The Return to Laisser Faire* was written as part of the propaganda carried on by this group of Individualists. There is no question about the book's bias; one can only criticize the arguments which are presented in support of *laissez faire*. There is, of course, much that is attractive in Sir Ernest's reasoning; certainly it is a good social doctrine that people should believe in the "old truth, now almost forgotten, that we live by rendering service to others and that civilization can be maintained in no other way." However, much of the brief is unconvincing. Can unemployment be cured by the simple formula of service to others? Is all the present poverty in England due to heavy taxes? Will the interaction of individual interests settle the housing problem? Is the drift from private to public education an ominous drift? Is competition the blessing which it is described to be in chapter viii? "If the producer is under an obligation to serve and the market is free" will there be "no question at all of combines or trusts"? These and many other questions might be debated with the author of this glorification of the idea that "nothing shall be done", but he would have to present sounder documentation than that contained in his book if he were to convert the student of English nineteenth-century history to his point of view. Moreover, he would have to advance new information, which in the face of the results of the last general

election might be difficult, if he were to convince his readers that "Individualism has returned to the English vocabulary."—SHEPARD B. CLOUGH, Columbia University.

In *The Evolution of Penology in Pennsylvania* (Indianapolis, Bobbs-Merrill Company, 1927; 414 pp. \$5.00) Professor Harry Elmer Barnes has conceived the penological developments of Pennsylvania as being an integral part of the social and intellectual environment of their times, and also as being the expression of a process of scientific differentiation in the treatment of delinquents. Five subjects are treated with such a degree of mastery as to make this a valuable reference volume. First, the author describes the transition from the earliest criminal law and criminal procedure of the colonies and of provincial Pennsylvania from 1676 to 1682, which was founded upon an extensive array of capital crimes, a wide application of severe corporal punishment, and an almost total absence of imprisonment as a mode of punishment, to the original and humane criminal jurisprudence of the Quakers. This significant influence of the Quakers held sway in Pennsylvania from 1682 to 1718. To it must be credited perhaps the most important event in penal history, namely, the substitution of imprisonment for severe corporal and capital punishment and the combining of the prison and the workhouse. Second, a detailed history of the development and administration of the various penal institutions of Pennsylvania that have been of historical significance is presented. This includes a description of the conditions that gave rise from 1790 to 1829 to the establishment of the world's first great system of prison administration—the Pennsylvania System. Its influence in America and Europe, Pennsylvania's experience with it, and the causes for its decline and its displacement by the Auburn System are depicted. Third, a valuable description of Pennsylvania's unique experience with prison labor is included. Beginning as the originator of prison labor, this state has experimented with every innovation in prison labor and has yielded so completely to the demands of labor agitators that its prison industries were paralyzed for more than a score of years following the enactment of the Muehlbronner Law of 1897. Fourth, a descriptive historical statement with illustrations of the architecture of those penal institutions of Pennsylvania that have received so much attention in the literature relating to the evolution of American penology is included. In the latter part of the volume, the author discusses the more recent developments in Pennsylvania: indeterminate sentence and parole; classification of convicts; steril-

ization and segregation of the abnormal; educational work in state penitentiaries. It is to be regretted that recent improvements in the treatment of the offender in Pennsylvania have not been treated as thoroughly as the early developments in penology. Professor Barnes' general conclusion is that Pennsylvania has long since ceased to be a pioneer in penological progress, but, with the exception of the industrial situation, penological theories and practices of Pennsylvania are not widely different from those of other states. The explanation for this backwardness when compared with expert penological knowledge of leaders in prison reform is to be found in the faulty information possessed by the general public regarding the causes of crime and the treatment of the criminal. Popular education in these matters is the author's final solution of the crime and prison problem.—A. F. KUHLMAN, University of Missouri.

Many books have been written on British West Indian history, but very few of them meet the tests of modern historical scholarship. Of late, however, some phases of the subject have been dealt with in a scientific spirit in monographs inspired by disinterested curiosity and based upon extensive research. The most recent of these is *The Fall of the Planter Class in the British Caribbean, 1763-1833* (New York and London, The Century Company, 1928; xiv, 520 pp. \$5.00) by Professor Lowell Joseph Ragatz, an expansion of an unusually meritorious doctoral dissertation to which the American Historical Association awarded its Justin Winsor Prize in 1926. The author's acquaintance with the multifarious sources, primary and secondary, for the history of his subject would be evident even without his excellent critical bibliography, which should prove useful to students of any aspect of British West Indian history within the period covered by this investigation. As by-products of his study Professor Ragatz has already published *A Guide to the Official Correspondence of the Governors of the British West India Colonies with the Secretary of State, 1763-1833* and *A Check-List of House of Commons Sessional Papers Relating to the British West Indies and to the West Indian Slave Trade and Slavery, 1763-1834*, and has prepared a comprehensive and critical bibliography of British West Indian history from 1763 to 1834, which, though still unpublished, is accessible in type-written copies in the library of the George Washington University and in the office of the History Department of the University of Iowa. A thorough and objective study of the evidence has led the author to the opinion that the abolition of the slave trade and the emancipation of the slaves have been greatly

over-weighted as factors in the economic decline of the British Caribbean colonies. He shows that the old plantation system in the British islands was already tottering when the ravaging of St. Domingo during the French Revolution delayed its collapse by creating a great demand in continental Europe for British colonial produce. When continental markets came to be supplied increasingly by newly-exploited foreign tropical possessions and British West Indian produce, especially sugar, lost its monopoly of the British market the doom of the British West Indian planters was sealed. Emancipation merely completed a downfall that was already impending. Even to summarize intelligibly all the causes of West Indian decline, as seen by the author, would extend this notice far beyond the space allotted to it. A notable feature of the book is a series of statistical charts relating mainly to British West Indian trade.—R. L. SCHUYLER.

Calhoun and the South Carolina Nullification Movement (Baltimore, The Johns Hopkins Press, 1928; vi, 199 pp. \$2.00) by Fred-eric Bancroft, is distinctly disappointing to students acquainted with his earlier contributions on the subject of sectionalism in American history. Its ten chapters, phrased somewhat in the style of popular lectures, are apparently intended for readers unfamiliar with the important facts of the nullification controversy. Where new evidence is introduced it generally confirms the conclusions reached by David F. Houston and Chauncey S. Boucher in their scholarly monographs tracing South Carolina's attempt to nullify the protective tariff. In his interpretations the author clings to the traditional views of the Northern Whigs on all constitutional questions, though he reveals slight sympathy with the purposes of the protectionists as embodied in the tariff acts of 1828 and 1832. His disapproval of Calhoun is emphatic. He brushes aside the political philosophy of the South Carolinian in a cavalier manner which is not always convincing. In his concluding chapter, bearing the subtitle "What It All Meant", Mr. Bancroft finds that the nullifiers were (p. 172) "able, eloquent, energetic theorists, not constitutionalists, and had uncommon talents for agitation." He feels that "by patient and sober discussion they could undoubtedly have won much support from the North and thereby have succeeded in a constitutional manner beneficial to the whole nation. But that seemed too commonplace." In comparison with the other nullification leaders Calhoun was (p. 173) "more plausible, cautious and substantial but less oratorical and less audacious, except in theorizing." "What was

most remarkable about his method (p. 174) was his marvelous skill in making artful generalizations and in glossing his sophistry with apparent frankness and an air of logic." Whether or not these conclusions are sound may be controversial, but one feels compelled to dissent when the author compares Calhoun, the sinister nullifier of 1832, with Calhoun, the ardent nationalist of 1812. Such a comparison assumes that the impetuous young "war-hawk" had formulated a political philosophy of nationalism as carefully calculated as were the theories of government which he later expounded in the "South Carolina Exposition and Protest." Certainly there is nothing in Mr. Bancroft's volume to warrant the dictum that after Calhoun (p. 174) "turned away from his early and well-balanced nationalism, he became both an unbalanced theorist and an obsessed dogmatist."—JOHN A. KROUT, Columbia University.

During the last two decades, and especially since the editing of the fundamental text on the subject, the *Arthaśāstra* of Kautilya, at Mysore in 1909 (revised edition 1919; best translation, J. J. Meyer, *Das Arthaśāstra des Kautilya, das altindische Buch vom Welt- und Staatsleben*, Leipzig, 1927), the study of the native systems of politics, diplomacy, etc., of India has received increasing and deserved attention. A welcome addition to the discussions of these matters is the second edition of *A History of Hindu Political Theories from the Earliest Times to the End of the Seventeenth Century* by Professor U. N. Ghoshal (New York, Oxford University Press, 1927; xvii, 257 pp. \$4.50). The volume contains a thorough and dispassionate assemblage and comparison of the views on political theory expressed by all Indian sources of any note whatever from the Rig-Veda onward; the hypotheses advanced by modern scholars have been carefully considered and duly weighed; and account has been taken of parallels which have been drawn by Indian and European writers on the theory of the state. The subject is highly complex, for in India as elsewhere sharply antagonistic views were advanced and gained adherents. The book's title is, perhaps by the necessities of the case, somewhat wider than its real theme, which is the status, the rights, and the duties of the king. Like the Indo-Europeans generally (cf. O. Schrader, *Reallexikon der indogermanischen Altertumskunde*, 2d ed., Berlin, 1917-29, vol. I, pp. 613-23), the early Indians seem to have regarded the king as a leader or one of a line of leaders, originally chosen by the people and normally hereditary. The theory of divine right appears to be nowhere implied in the oldest texts; and it is noteworthy, though

Professor Ghoshal does not observe it, that none of the Sanskrit terms for "king" has any religious connotation whatever, all meaning "ruler" (*rajan*), "lord of men" (*narapati*), "earth-protector" (*bhupala*) and the like. Somewhat later the view that the origin of the kingship is divine begins to emerge, partly, it may be, in consequence of the Indian tendency toward hyperbolic identification of lauded beings with divinities; partly, no doubt, because of the increasing importance of the king to a settled, but far from unendangered, people; partly, perhaps, as a result of influence from other peoples, as when, in the early centuries of our era, the Kushan dynasty of North India adopted the title *devaputra* ("god-son") in imitation of the Chinese "Son of Heaven". (The problem, it may be remarked, is practically the same as regards the theory of kingship in Iran.) From the theory of the nature of the kingship flow all the other theories of politics in India, including the non-religious (and sometimes non-moral, or even unmoral) attitude, generally speaking, of the entire political system; hence, too, seems to proceed the view that the king has bounden duties (including, of course, those of a religious and moral nature) toward his subjects, under penalty of disobedience or even rebellion and overthrow. —LOUIS H. GRAY, Columbia University.

Towards Swaraj (Madras, M. K. Srinivasa Iyengar, Law Publisher, 1928; vi, 428 pp. Rs. 5.00) by S. K. Sarma is an exposition of a scheme of responsible government for India. Coming as it does in the wake of the political tension which the British Statutory Commission under Sir John Simon has caused, it demands a scrupulous reading. The first two chapters trace the functioning of the Minto-Morley reforms of 1909 and the Montague-Chelmsford reforms of 1918, both of which, the author maintains, failed because (p. 20) "their sponsors failed to take note of the surrounding circumstances which alone could make or mar them." And because similar circumstances are still in operation, he forecasts a like fate for any future venture, thereby alluding apparently to the possible recommendations of the Statutory Commission before the close of 1929. This prophetic pessimism is not perhaps wholly unfounded. Chapters iii and iv argue the need for self-government for India on the fundamental ground of its inevitability for (p. 65) "the moral and material up-building of the people themselves". Although the author submits that the "most outstanding question" to be solved in this connection is the "misunderstanding" between the Hindus and Moslems, his statement (p. 10) "that there are no more

fundamental differences between the Moslem and the Hindu or the Brahmin and the non-Brahmin than there are between Capital and Labour or Socialism and Toryism in enlightened England" serves only to mask the facts under a false analogy. His fifth chapter is a surprise to students of Indian politics: unlike the plea for federalism advanced by the Nehru Report drafted by the Indian National Congress held in Calcutta in 1928, and subsequently endorsed at Lucknow by the All-Parties Conference in response to the challenge Lord Birkenhead threw out to the Indian politicians, Mr. Sarma advocates a unitary system, since a federal union finds itself often in a quandary, being distracted by "state, inter-state, and commonwealth problems"! His chapter on the "Relations with Native States" is humorous in parts, while it clearly takes stock of all the intricate issues involved in any new ordering of affairs. Chapters vii to xvii discuss ably such governmental problems as defense, finance, franchise and legislature, while the last chapter expresses faith in the doctrine of passive resistance enunciated by the "Sage of Sabar-mathi" as a means to an end. On the whole the book is meritorious, although one cannot complacently concur in all its contentions.—
C. JOSEPH CHACKO, New York City.

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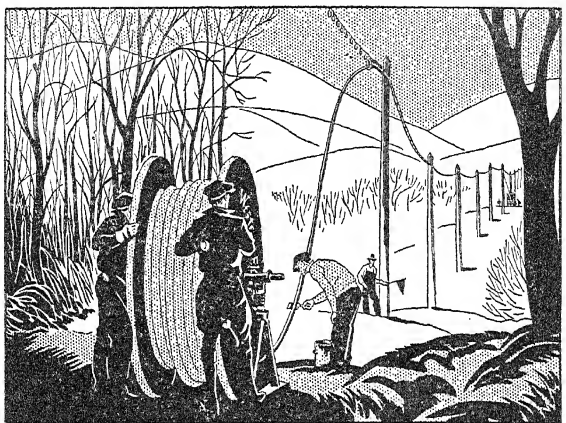
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